[5.]

THE

HISTORY

OF THE

PLOT:

Or a Brief and Historical

ACCOUNT

OF THE

Charge and Defence

OF

Edward Coleman, Esq;

William Ireland,
Thomas Pickering,
John Grove.

Robert Greene,
Henry Berry,
Laurence Hill.

Tho. Whitebread,
William Harcourt,
John Fenwick,
John Gavan,
Anthony Turner, } Jesuites.

Richard Langhorne, Esq;

Sir *George Wakeman*, Baronet.

William Marshall,
William Rumley,
James Corker, } Benedictine Monks.

Not omitting any one Material Passage in the whole PROCEEDING.

By Authority.

LONDON.
Printed for *Richard Tonson* within *Grayes-Inn-Gate* next *Grayes-Inn-Lane*. 1679.

TO THE

READER.

THere has not been any point, perhaps, in the whole Tract of Engliſh Story, either ſo dangerous to be miſtaken in, or ſo difficult, and yet ſo neceſſary to be underſtood. as the Myſtery of this deteſtable Plot now in Agitation, (A Judgment for our Sins, augmented by our Follies) But the World is ſo miſerably divided betwixt ſome that will believe every thing, and others nothing, that not only Truth, but Chriſtianity it ſelf is almoſt loſt between them; and no place left for Sobriety and Moderation. We are come to govern our ſelves by Dreams, and Imaginations; We make every Coffee-houſe Tale an Article of our Faith; and from Incredible Fables we raiſe Invincible Arguments. A man muſt be Fierce and violent, to get the Reputation of being Well-Affected; as if the calling of one another Damn'd Heretique, and Popiſh Dog, were the whole Sum of the Controverſie. And what's all this but the effect of a Popular Licence and Appeal? When every Mercenary Scribler ſhall take upon him to handle matters of Faith, and State; give Laws to Princes; and every Mechanique ſit Judge upon the Government! Were not theſe the very Circumſtances of the late Times? When the Religious Jugglers from all Quarters fell in with the Rabble; and managed them, as it were, by a certain ſleight of hand: The Rods were turned into Serpents on both ſides, and the Multitude not able to ſay, which was Aaron, and which the Enchanter. Let us have a Care of the ſame Incantation over again. Are we not under the protection of a Lawful Authority? Nor was there ever any thing more narrowly Sifted, or more vigorouſly diſcouraged, than this Conſpiracy. Reformation is the proper buſineſs of Government and Council; but when it comes to work once at the wrong End, there is nothing to be expected from it, but Tumult and Convulſion. A Legal and Effectual proviſion againſt the Danger of Romiſh Practices and Errours, will never ſerve their turn, whoſe Quarrel is barely to the Name of Popery, without underſtanding the Thing it ſelf. And if there were not a Roman Catholick left in the three Kingdoms, they would be never the better ſatisfied; for where they cannot find Popery, they will make it: nay and be troubled

too that they could not find *it. It is no new thing for a Popular Out-cry, in the matter of* Religion, *to have a* State-Faction *in the belly of it. The first late Clamor was againſt* Downright Popery; *and then came on* Popiſhly Affected; (That *ſweeps all*) *The* Order of Biſhops, and the Diſcipline of the Church *took their Turns next; and the next blow was at the* Crown *it ſelf: when every Man was made a* Papiſt *that would not play the Knave and the Fool, for Company, with the Common People.*

Theſe things duly weighed, and conſidering the Ground of our preſent Diſtempers; the Compiler of this Abridgment reckoned that he could not do his Countrymen a better Office, than (by laying before them the naked ſtate of things) to give them at one view, a Proſpect, both of the ſubject matter of their Apprehenſions, and of the Vigilance, Zeal, and needful ſeverity of the Government on their behalf. To which end, he hath here drawn up an Hiſtorical Abſtract *of the whole matter of Fact concerning thoſe Perſons who have hitherto been Tried for their Lives, either upon the* Plot *it ſelf, or in Relation to it: oppoſing Authentick Records to wandring Rumours; and delivering the* Truth *in all Simplicity. He hath not omitted any one material Point: There is not ſo much as one* Partial Stroke *in it; not a flouriſh, nor any thing but a bare and plain* Collection, *without any Tincture either of Credulity, or Paſſion. And it is brought into ſo narrow a Compaſs too, that it will eaſe the Readers* head, *as well as his* purſe; *by clearing him of the puzzle of* Forms, *and* Interlocutories, *that ſerve only to amuſe and miſlead a man, by breaking the Order, and confounding the Relative part of the* Proceeding.

Having this in Contemplation; and being at the ſame time poſſeſt of a moſt exact Summary *of all paſſages here in Queſtion; This Reporter was only to caſt an Extract of theſe Notes into a Method: eſpecially finding, that upon comparing the ſubſtance of his own papers, with the moſt warrantable Prints that have been publiſhed; his own* Abſtract *proved to be not only every jot as Correct, but much more Intelligible, which being* ſhort *and* full; *he thought might be uſeful, and find Credit in the world upon its own account, without need of a* Voucher.

THE

THE

HISTORY

OF THE

Charge and Defence

OF

EDWARD COLEMAN, Esq;

THE first of the Conspirators that was brought to publick Justice was Mr. *Edward Coleman*; who received his Trial at the *Kings Bench-Bar*, *Novemb.*27.1678. and pleaded *Not Guilty*, to the Indictment.

The Jury consisted of Persons of Condition, and known Integrity; being Sworn, without any exception or challenge from the Prisoner.

The General Heads of his Charge were, *The Conspiring of the death of the King. The endeavour of Subverting the Government of* England; *and the Protestant Religion.* And these Treasons, and Designs, to be made out against him, partly by Witnesses, *vivâ voce*; and partly by Letters and Negotiations under his own Hand, proving a Correspondence with several sorts of Agents for the accomplishing of the aforesaid ends.

The Charge being read, and the particulars of the matter in Evidence, modestly and learnedly opened by His Majesties Councel, The Prisoner past some reflections upon the hard measure of not allowing Councel to a Prisoner in this Case, recommending himself to the Justice of the Bench to be Councel for him, and representing the disadvantage of a *Roman* Catholicks appearing at the Bar under so violent a prejudice, he insisted further, upon the Ingenuity of his Confessions in Prison; and it being objected to him, as a thing incredible, that he should break off his Correspondences just at (75) with the Date of the last Letters of his that were found: His answer was, that he never received any Letters after that time, but cursory Intelligence, which were either Burnt, or used as common Paper: And that he had offered all Oaths and Tests in the world for Confirmation of the truth thereof: and that they had seized every one of these Letters of general Correspondence, for the two or three years last past that he knew of.

Hereupon the Court proceeded to the Evidence, the Lord Chief Justice previously inculcating, the sacredness of an Oath, and Exhorting both the Jury, and Witnesses, to proceed with all due Tenderness and Caution: for the life of a man was at stake, and it was not intended that any thing should be put upon the stretch against the Prisoner.

Mr. *Oates* sworn concerning the Plot upon the King.

The Witness first called, was Mr. *Oates*; and the first thing demanded of him, was *what he could say of the Prisoner being any way privy to the design of Murthering the King*, To which, he gave Evidence, as follows; that is to say:

He goes to Father *Keyns* at *Colemans*.

That in *November* laſt, making a Viſit to Mr. *John Keyns* (his Father Confeſſor, then lodging at Mr. *Colemans* in *Stable-Yard*) Mr. *Coleman* asked him *who that was?* one (ſays he) that is going to St. *Omers*. Then ſays Mr. *Coleman* to the Witneſs, *I muſt trouble you with a Letter or two*; and I will leave them for you with *Fenwick* (the *Procurator* of the *Society* in *London*.)

Fenwick gives him *Colemans* Packet for St. *Omers*.

On the *Monday* following *Fenwick* gave Mr. *Oates* the Packet Mr. *Coleman* had left in his hand; and away goes he to *Dover*, with it. The outſide ſheet was a paper of News, which paſt under the name of *Colemans Letter*; and at the bottom of it theſe words, *Pray recommend me to my Kinſman* Playford (who lived at that time in St. *Omers*.) This Letter was written in *Engliſh*, at Length, and addreſſed to the Rector of St. *Omers*; giving him an account how matters went in *England*. The Witneſs depoſeth that he read this Letter, and in it many undutiful expreſſions concerning the King: and this in particular; that the Match of the Lady *Mary* with the Prince of *Orange* would prove that *Traytors*, and *Tyrants* ruin.

Foul expreſſions in *Colemans* News Letter.

A Letter of thanks to *La Chaiſe* for 10000 l.

That there was alſo a Letter in *Latin* to *La Chaiſe*, with a flying Seal, and no ſubſcription; and this Letter, with the Letter of News, and the Poſtſcript, were all in a hand, This was a Letter of thanks to *La Chaiſe*, for 10000 *l.* which he confeſt to have received for the ſervice of the Catholick Cauſe; with a promiſe that it ſhould be wholly imployed as it was deſigned; and that no endeavour ſhould be wanting to deſtroy the Proteſtant Religion Root and Branch. Now this Letter was in anſwer to one from *La Chaiſe* (dated in *Auguſt*) which was directed to *Strange*, who at that time was Provincial of the Society for *London*, but *Strange* having hurt his hand with a Reed, and *Mico*, his Secretary, being ſick, Mr. *Coleman* wrote this Letter by direction of the Provincial, as the Provincial told the Deponent himſelf.

The mony to be imployed for the killing of the *King*.

That Letter from *La Chaiſe* to which this was an anſwer, the Witneſs Depoſed that he ſaw, and read, and obſerved inſtructions in it to this effect. *That the* 10000 *l. ſhould be laid out to no other end than for the killing of the King*. The Witneſs did not ſee *Coleman* write this Letter, but delivering it to *La Chaiſe* himſelf, *La Chaiſe* named a Gentleman with a *French* name, and asked how he did; the Witneſs not well underſtanding him, (being at a loſs) One (ſays *La Chaiſe*) *that was formerly Secretary to her Royal Highneſs*: Whereupon Mr. *Oates*, in *Latin*, asked him if it were not *Coleman*; But what anſwer was made to this, Mr. *Oates* does not remember. *La Chaiſe* anſwered his Letter, and the Witneſs brought that anſwer to St. *Omers*; from whence it was ſent by the Society, under Cover to Mr. *Coleman*, telling him in expreſs terms that this Letter was received and owned.

Mr. *Oates* had a *Patent* to be of the *Conſult*.

The Witneſs having a Patent to be taken into the Conſult, had the ſight of this Letter at St *Omers*, and it was ſent to Mr. *Coleman*, who acknowledged the Receipt of it from *La Chaiſe*; and in the ſame hand that wrote the *News Letter*, which was agreed upon to be *Colemans* hand.

Mr. *Oates* being demanded what he could ſay to the Conſultation here in *May* laſt, and how far the Priſoner was privy to the purpoſe of Murthering the King, he proceeded to this effect.

A Conſult at the *White-Horſe* in the *Strand*.

By vertue of a Brief from the Father General of the Society at *Rome*, the Jeſuits were appointed to have a meeting, which begun at the *White-Horſe-Tavern* in the *Strand*, in *April*, *Old Stile*, and *May*, *New*, and continued there no longer then till they had concluded upon the Diſpatch of one Father *Cary*, an Agent, and Procurator for *Rome*; and then

then they Adjourned themſelves into Clubs and Cabals, ſome at *Wildhouſe*, ſome at *Harcourts*, *Irelands*, *Fenwicks* Lodgings, and came at length to this Reſult.

Pickering and *Grove* were to deſtroy the King, either by ſhot, or otherwiſe; and for their Reward, *Grove* was to have fifteen hundred Pounds, and *Pickering* (being a Religious perſon) 30000 Maſſes, which may be valued an Equivalent, at Twelve pence a Maſs. Mr. *Coleman*, in this Deponents hearing, was told of this determination at *Wildhouſe*; and the Witneſs affirms, to have ſeen a Letter under the Priſoners own hand, to one *Ireland*; expreſſing his deſire that by ſome means or other, the Duke of *York* might be Trapann'd into the Plot. There was a P. S. to this Letter, *Recommend me to Father La Chaiſe.* And beſides all this, the Witneſs averrs, that he heard *Coleman* give his opinion at *Wildhouſe*, *that he thought it was well contrived.*

The reſult of that meeting.

The next point was what the Witneſs knew of any Rebellion to have been raiſed in *Ireland*, or of any practice deſigned upon the Duke of *Ormond*: To which Mr. *Oates* depoſed,

Touching a Rebellion to have been raiſed in Ireland.

That in *Auguſt*, there was a Conſultation at the *Savoy*, with the *Jeſuits* and with the *Benedictines*, and a Letter written from *Talbot*, (the pretended Archbiſhop of *Dublin*) making mention of one of the Popes Legates, an *Italian* Biſhop (*Caſſay*, as he believed) that maintains the Popes Claim to the Kingdom of *Ireland*. And in this Letter, he ſpeaks of *four Jeſuits*, that were contriving the death of the Duke of *Ormond*, and in caſe that deſign ſhould not take place, that then, *Fogarthy* ſhould do it by Poyſon, (*Fogarthy* himſelf being there at that time.) That before the end of the Conſult, Mr. *Coleman* came in, and earneſtly preſt the diſpatch of *Fogarthy* for *Ireland*, to do the Work. The ſame Letter did alſo ſay, that they were ready to riſe in *Ireland* for the Pope.

A Conſult at the Savoy about it.

The Witneſs being asked if he knew any thing of *Arms*: Gave Evidence, That 40000 Blank Bills were provided to be ſent into *Ireland*. And that another Letter from *Talbot*, (of *January* or *February* laſt) ſaid they were furniſhed by the Popiſh Commiſſion-Officers, and that they had them ready in *Ireland*.

Arms towards the Rebellion.

That *Coleman*, *Fenwick*, and the Witneſs, being together in *Auguſt* laſt, in *Fenwicks* Chamber, in *Drury Lane*, without any other Company, *Coleman* told *Fenwick* that he had a way now to tranſmit the 200000 Pounds for carrying on the Rebellion in *Ireland*, which he ſaid to this Deponent alſo a Week before; ſo that Mr. *Coleman* was privy to it, and a prime Actor in it.

200000 l. towards it.

The Witneſs was now examined about Tranſmitting money to *Windſor*, or perſuading the ſending of any thither, and the time; who depoſed as follows:

Money to be ſent to Windſor.

That Dr. *Fogarthy* propoſed, and provided four *Iriſh Ruffians* to be ſent to *Windſor*, in *Auguſt* laſt, and they were diſpatched the ſame night. That the next day, one *William Harcourt*, Rector of *London*, ſent fourſcore pounds to them, in the name of the Provincial, who was then beyond the Seas: And by whoſe Authority the other acted. That Mr. *Coleman* told the Witneſs, that he had been to look for *Harcourt* at his houſe in *Drury Lane*, and was there directed to *Wildhouſe*, where he found him. And *Coleman* asking *what care was taken for the four Gentlemen that went laſt night to Windſor?* *Harcourt* made anſwer, that *Eighty Pounds was ordered them*; and that the Meſſenger was there that was to carry it. That the money was there upon the Table, moſt in *Guinnies*, and that Mr. *Coleman* gave the Meſſenger a *Guinny* to make haſte. And that Mr. *Oates* never ſaw the Meſſenger, but that time.

The four Iriſh Ruffians ſent away, and 80 l. ſent after them.

Ashbies Instructions about the Poysoning or Murther of the *King*.

The Witness was asked what he knew concerning Mr. *Colemans* discourse with one *Ashby*; whose evidence was that one *Ashby* (in *July* last, and formerly Rector of St. *Omers*) being in *London*, and ill of the Gout, was appointed to go to the *Bath*, That this *Ashby* had certain instructions under the hand of *White* the Provincial, beyond the Seas, to Authorise *Ashby*, and the Consult of *London*; to dispatch the King, by *Poyson*, in case *Groves* and *Pickering* failed: and to offer Sir *George Wakeman* 10000l. to effect it; taking the opportunity of giving his Majesty Physick, That Mr. *Coleman* attended this *Ashby*; that he saw Read, and Copyed out the Instructions, and sent them over *England*, to those that were privy to the Plot, That this Deponent himself saw the Reading, and the Transcribing of them, Mr. *Coleman* declaring the sum to be too little, and that Sir *George Wakeman* would hardly undertake it upon those terms; adding; That it were well to give 5000 *l.* more to make the business sure: and that this was said at *Wild-House*, at Mr. *Sandersons* house: and that upon Mr. *Colemans* dispatch of these *Suffrages* (the word he used for *Instructions*) to the Principal of the Catholick Gentry of *England*, some thousands of Pounds were Collected, and that *Coleman* told the Witness, that he sent these Copies about to quicken people in their Contributions.

The Court demanded if Mr. *Coleman* was not to have been one of the Secretaries of State; to which Mr. *Oates* replyed thus.

Mr. *Colemans* Commission for *Secretary* of *State*.

That in *May* last *New Stile*, *April*, *Old*, soon after the Consult at Mr. *Langhorns* Chamber, among other Commissions he saw one from the General of the Society, *Johannes Paulus D' Oliva* (by vertue of the Popes Authority) directed to Mr. *Coleman*, and that this Deponent saw it at Mr. *Fennicks* Chamber in *Drury-Lane*, in the month of *July*, Mr. *Fennick* being present; and that Mr. *Coleman*, did then, and there, acknowledg the Receipt of it, open it, and say that it was a good exchange, for it made him Secretary of State, that upon the Seal, there was an I. H. Σ. with a Cross, and in *English* Characters *I. H. S*; and that he knew this to be the writing of the said General, for he had seen it forty times.

Mr. *Langhorn* shews Mr. *Oates* the Commissions.

That in the month *Jan.* the Witness opened at St. *Omers*, certain Letters from *Rome*, directed to Father *Harcourt* (he having power so to do) wherein it was certified that the Commissions were already in Mr. *Langhorns* hands, which gave the Witness a curiosity to ask Mr. *Langhorn* about them. Now the Witness being summoned to be at the Consult in *April*, and appointed by the Provincial to wait upon Mr. *Langhorn*, he did so, and in discourse about the Commissions, asked him if he might not have a sight of them: To which Mr. *Langhorn* replyed, that he had received the Commissions; and that he would not scruple to let him have a view of them, the Witness giving him that very day an account of the Consult.

Mr. *Oates*'s acquaintance with Mr. *Langhorn*.

The Witness was asked if he were acquainted with *Langhorn*, and he declared, That meeting two of Mr. *Langhorns* Sons in *Spain*, and doing them some kindnesses, upon the Witnesses return out of *Spain*, Mr. *Langhorn* received him with great Civility at his house, (somewhere about *Sheer-Lane*) but the Wife being zealous another way, Mr. *Langhorn* advised the Witness rather to come to him for the future at his Chamber in the Temple; and that the Witness was ordered by the Provincial to give Mr. *Langhorn* an account from time to time of all Results at the *White Horse*, and *Wild house*.

Being

Being interrogated how many came over in *April* together with the Witneſs, and how many Prieſts, and Jeſuits, to his knowledg had been lately in *England* at one time? he anſwered that there were nine Jeſuits, as the Rector of *Leige*, *Warren*, Sir *Thomas Preſton*; the Rector of *Watton*, *Francis Williams*, Sir *John Warner*, *Charges*; one *Poole* a Monk, and the *Witneſs* the *Ninth*, but for the number of the reſt, that he could not remember it, and that to his knowledg there had been in *England*, at the ſame time 160 *Secular Prieſts*, 80 *Jeſuits*, and by names upon a Liſt, above 300. How many *Prieſts* and *Jeſuits* in *England* at one time.

The Priſoner being now permitted to ask any queſtions, and ſpeak for himſelf. Mr. *Colemans* defence.

Mr. *Coleman* ſuggeſted, that upon his Examination before the Councel, the Witneſs told His Majeſty that he had never ſeen him before, and yet now pretends to great intimacy and acquaintance with him. Mr. *Oates* did not know *Coleman* at the Council.

Mr. *Oates* alledged that in truth he ſaid (his ſight being bad by Candle-light) *that he would not ſwear that he had ever ſeen him before*; but ſo ſoon as ever he heard him ſpeak, he would have ſworn him to be *Coleman*. Not till he ſpake, for the Candle was in his Eyes.

It being demanded, (when the deſign upon the King at *Windſor* was before the Council) how the Witneſs came to omit Mr. *Colemans* giving the *Guiny* to the Meſſenger; the time when the Fourſcore pounds was ſent; the way of remitting the 20000*l.* The Priſoner Conſulting and approving of the Murther of the King; and his ſaying that 10000 *l.* was too ſmall a reward for Sir *George Wakeman*. How came Mr. *Oates* to omit his Charge before the *Council?*

Mr. *Oates* his anſwer to all this; was that his buſineſs before the Council was rather to Exhibit an Information, than to deliver a Charge; and that it gives light to a Priſoner how to ſhift, when he knows the whole matter of his Accuſation beforehand; and that beſides, he was ſo ſpent with waiting and watching, that he could ſcarce ſtand upon his Legs: And that the King and Council were ſenſible of it, and willing to eaſe him, but yet if he had been preſt, he ſhould have enlarged his Information. Mr. *Oates's* anſwer to the former objection.

The Witneſs being examined how long it was betwixt the time of his being Interrogated, and ſpeaking only to the Letters, and that time of communicating to the Houſes of Parliament; the matter at preſent in queſtion, his anſwer was, from *Monday* the 30. of *September*, until the Parliament met.

The Witneſs was likewiſe asked why he did not inform ſooner; and of all together, Mr. *Coleman* being ſo dangerous a perſon, and engaged in ſo deſperate a deſign, why he did not name the Jeſuits he accuſed. And how he came to charge Sir *George Wakeman* by name, and not Mr. *Coleman*, Mr. *Oates* reply was that he had been a long time accuſing other Jeſuites; that he ſpake little but where the perſons were Face to Face. That he had a Liſt of the Jeſuits names, but only ſuch as were expreſly charged were taken up, and that being doſed with ſitting up two nights, he forgot Mr. *Coleman*, but upon Conſulting his papers he made up the accompt which afterwards he delivered. Why was this Information delayed ſo long? with Mr. *Oates's* reaſons for it.

The Priſoner urged that the Witneſs was juſt by him when he ſays he could not ſee him; and further that Mr. *Oates* named three or four places where he ſays he met him about Buſineſs: The Witneſs anſwering that the Candle was in his Eyes, and that the Priſoner ſtood more in the dark: and to the reſt, that he wore ſeveral Peruques at ſeveral meetings; which much diſguiſed him: but that immediately upon ſpeak- Whether Mr. *Oates* knew *Coleman* before the Council or not.

ing he knew him to be *Coleman*, denying that the queſtion was ever put to him whether he knew *Coleman* or no?

Sir *Thomas Doleman* examined to that point.

The Priſoner ſtill inſiſting upon it, that the Witneſs did declare before the Council that he did not know him; Sir *Thomas Doleman*, and Sir *Robert Southwel* (being Clerks of the Council, and at that time preſent) were examined on the behalf of the Priſoner, Sir *Tho. Dolemans* Evidence amounted to this, That Mr. *Oates ſpeaking of* Coleman; *did ſay before the Council, that he did not well know him*; and that he ſaid theſe words after Mr. *Coleman* was examined, adding that the Witneſs ſaid, *he did not know him as he ſtood there*. And ſpeaking of *Coleman*, that *he had no acquaintance with that man.*

It was asked Mr. *Oates*, in regard that he knew *Coleman* upon hearing of his voice, why he did not declare himſelf that he knew him ſo ſoon as he had heard him? To which the Witneſs anſwered, *That he was not asked.*

And Sir *Robert Southwel.*

Sir *Robert Southwel* was now interrogated concerning Mr. *Oates* his examination before the Council, and gave evidence, That Mr. *Oates* declared that 10000 pounds promiſed to Sir *George Wakeman* was now made *fifteen*, and that Mr. *Coleman* paid Sir *George Wakeman five thouſand pounds* in hand. To which Mr. *Coleman* replied; That Mr. *Oates* his Charge was ſo ſlight, that the Council were not of his opinion, as appeared by the mitigation of the firſt Order, which was at firſt to Commit him to *Newgate*, but only now into the Cuſtody of a Meſſenger. To this Sir *Robert Southwel* gave an account, how that Mr. *Oates* Examination was ſo general, it could not well be fixed; That Mr. *Colemans* Papers were found, and ſeized on *Sunday night*, and that Mr. *Coleman* rendred himſelf voluntarily at the houſe of Sir *Joſeph Williamſon*, on *Monday Morning*, hearing of a Warrant out againſt him: But ſo many other Priſoners were upon Examination, that he was not called till Afternoon, when he ſeemed to hear theſe lewd things charged upon him with great ſcorn and indignation.

M. *Colemans* Defence before the Council.

The defence he made was ſuch, that though a Blank Warrant was filled up to ſend him to *Newgate*, he was only for the preſent committed to a Meſſenger; and a ſpecial Warrant granted to the Meſſenger to ſecure him againſt the firſt Order. Upon his Majeſties departure, the next day for *Newmarket*, a Committee being appointed to examine ſeveral Papers, and Mr. *Colemans* amongſt others; There were found in a Deal Box ſuch Papers as moved the Lords forthwith to ſign a Warrant for his Commitment to *Newgate*.

Mr. *Oates*'s Charge againſt *Coleman.*

The ſum of Mr. *Oates* Charge, was his Traiterous Correſpondence with the *French* Kings Confeſſor, the 15000 pounds accepted by him, and *five* of it actually paid to Sir *George Wakeman*, and the Witneſſes opinion that *Colemans* Papers would coſt him his Neck, Mr. *Oates* declaring, that he had the Stone, and therefore could not be preſent at the Conſultation in the *Savoy*, but that he had an account of all things there from thoſe that were upon the place.

Thus far Mr. *Oates* his Examination.

Mr. *Bedlow* ſworn and Examined.

Mr. *Bedlow* examined.

Firſt, what he had ſeen, or heard, concerning any Commiſſion to Mr. *Coleman*. Secondly, what diſcourſe he ever had with Mr. *Coleman* concerning that matter.

Mr. *Bedlow*

Mr. *Bedlow* ſwears that he knew nothing of any Commiſſion to Mr. *Coleman*, more than that Sir *Henry Tichbourn* told him that he brought him a Commiſſion from the principal Jeſuits at *Rome*, by Order from his Holineſs; and that he was to be Secretary of State, but that he never ſaw it, nor knows the Title of it. As to any diſcourſe with Mr. *Coleman* about it, the Witneſs declared, that in *April* (75.) Father *Harcourt* gave him a large Pacquet of Letters from Mr. *Coleman*, who in the Witneſſes ſight delivered the ſaid Letters to Father *Harcourt*; that they were directed to Mr. *La Chaiſe*, and other *Engliſh Monks*, to whom he delivered the Letters, and brought back an Anſwer from *La Chaiſe*, and certain *Engliſh Monks* at *Paris*. Mr. *Bedlow* further declares, that there met at a Conſultation two *French Abbots*, and certain *Engliſh Monks*, and that he heard them talk of a Plot upon the Government, and Religion of *England*; And that the King was to be deſtroyed in the firſt place, and the Lords of the Council; That this diſcourſe paſſed upon the Conſultation; And there was a Pacquet of Letters from Mr. *Coleman*, they not knowing that the Witneſs underſtood *French*. That the Pacquet from *La Chaiſe* was directed to *Harcourt*, with one to *Coleman* encloſed, and addreſſed *A Monſieur, Monſieur Coleman*.

Mr. *Bedlows* evidence about *Commiſſions*.

Mr. *Bedlow* being examined what he knew of money received by Mr. *Coleman*; how much, and for what, gave this Evidence.

What mony Mr. *Coleman* received, how much, and for what.

That it was to promote the ſubverſion of the Government of *England*, to deliver it from Helliſh Ignorance, and to free Catholicks from the Tyranny of Hereticks. The Witneſs further declareth, that being with *Harcourt* at *Colemans*, *May* 24. or 25. 1677. *Harcourt* delivered this Deponent another Pacquet, which he had alſo from Mr. *Coleman*, for the *Engliſh Monks* at *Paris*, and the Witneſs to call at *Douay*, in his paſſage, in caſe they were not gone for *Paris* before him. That upon the receipt of theſe Letters they applauded the merit of the ſervice, and that upon the Conſultation 1677, not having any full aſſurance what aſſiſtance the *Engliſh* Catholicks might have from abroad, they reſolved to put their deſign in execution that very Summer, the *Engliſh* being in a great forwardneſs already. That the Witneſs after the Conſultation gave *Le Faire* the Letters, and he carried them to *Harcourt*, and *Harcourt* (though indiſpoſed) went and carried them to *Coleman*, and this Witneſs along with him, but he ſtayed over the way while *Harcourt* went in, who ſoon after gave this Witneſs a Beck to come over to him, and then, and there, did this Witneſs hear *Coleman* ſay, *If he had a hundred lives he would loſe them all to ſettle the Catholick Religion in* England, *and depoſe, or deſtroy a hundred Heretical Kings if they ſtood in his way*. And this at his own houſe, behind *Weſtminſter Abby*; at the foot of the Stair-caſe.

Here the Priſoner demanded of *Bedlow*, if ever he had ſeen him in his life? Whoſe anſwer was, That in the *Stone-Gallery* in *Summerſet Houſe*, coming from a Conſult, there he had ſeen him.

After this Mr. *Bradley*, the Meſſenger that ſeized Mr. *Colemans* Papers, was examined what Papers he ſeized, what he ſaw, and how he diſpoſed of them. To which Mr. *Bradly* rendred this account.

Mr. *Bradley* (the Meſſenger) examined.

That by Warrant of Council, dated *September* 29. at ſix at night, for the apprehending of Mr. *Coleman*, and ſeizing of his Papers, he went accordingly, and told Mrs. *Coleman* his buſineſs, who ſaid he was welcom. And her Husband not being at home, he deſired her to ſend for him. That upon the ſearch, he found a great many Papers about the houſe, and put them into ſeveral Bags; and looking into a private Corner in his own Chamber, in a place behind the Chimney, he found a

His account about ſeizing M. *Colemans* Papers.

Deal Box tacked together with a Nail, with Letters in it, which he delivered into the Cuſtody of one of his Aſſiſtants, to take care of it. And going then into his own Study, he ſearched his *Scritoire*, and put up all the Papers he could find, in Bags without any other Papers among them; ſealed them up with his own Seal, keeping them conſtantly in his ſight, and ſo carried every Paper of them to the Clerk of the Council.

Sir *Robert Southwel* and Sir *Thomas Doleman* examined about M. *Colemans* long Letter.

Sir *Robert Southwel*, and Sir *Thomas Doleman* were then examined, whether or no the Papers then produced in Court, were the Papers which were brought by Mr. *Bradley* the Meſſenger: And firſt, Sir *Robert Southwel*, concerning Mr. *Colemans* Long Letter; whoſe anſwer was that he had not ſeen that large Letter in ſeveral days after the Papers were brought to him from *Bradley*, remitting the account thereof to the other Clerks of the Council. Sir *Thomas Doleman*, in anſwer to the ſame queſtion, declared that he found it among Mr. *Colemans* Papers in a Deal Box that *Bradley* brought.

M. *Colemans* Letters and Papers proved to be of his own hand-writing.

The next point was to prove both by his own Confeſſion, and by two Witneſſes, that all the Papers in queſtion were of his own hand writing. Whereupon Mr. *Boatman* (one that had waited upon him five years in his Chamber) was firſt examined, who declared, that he believed all the Papers, then ſhewed unto him, to be of Mr. *Colemans* writing; acknowledging further, that a Pacquet of Letters from beyond the Seas was directed unto him two or three days after he was made a Priſoner: Confeſſing alſo, that he had received a Letter for his Maſter from *La Chaiſe*; but denying that ever he wrote any for his Maſter to *La Chaiſe*; owning alſo, that his Maſter kept a large Book of Entries for his Letters and News: But that he knew not what was become of it, and that he had not ſeen it ſince two days before his Maſters Commitment. He declared likewiſe, that he did uſually receive News every Poſt, but could not ſay that any Letters of the two years laſt paſt were entred in the aforeſaid Book.

The Priſoner here interpoſed that all his Letters from the *Hague*, *Bruxels*, *France*, and *Rome* were before the Council, and that theſe were all he had received.

One *Cattaway* (a kind of an *Amanuenſis* to him) was then examined upon thoſe Papers, who poſitively affirmed them to be of Mr. *Colemans* writing.

Sir *Philip Lloyd* proves the long Letter.

Sir *Philip Lloyd* was produced next, to prove the Long Letter againſt him, upon his own Confeſſion: Who gave Evidence, that he received the Papers, then ſhewed him, from Sir *Thomas Doleman*, and that the Long Letter was owned by Mr. *Coleman* to be his own hand-writing.

The ſcope and ſubſtance of it.

It bare date, *September* 29. 1675. ſubſcribed, *Your moſt humble, and moſt obedient Servant*, (without a name.) And it was read by the Clerk of the Crown, according to the Order of the Court, but being too long to be brought into a Breviate, and the whole Letter it ſelf being little more than the deduction of a three years Hiſtory of former Negotiations (for the greater part with Mr. *Ferrier*, the Predeceſſor of *La Chaiſe*) it will ſuffice to give this Brief of the whole: Money was the Priſoners great deſign, and the procuring of it, by a pretence of more power, both in the Church, and in the State, than effectually he had, is in ſhort the drift of that large diſcourſe. Towards the end of it, he has indeed this bold and dangerous paſſage; *Our prevailing in theſe things would give the greateſt blow to the Proteſtant Religion that ever it received ſince its Birth.*

To this foregoing Letter was produced an Answer from *La Chaise*, owning the Receipt of it, and giving Mr. *Coleman* thanks for it: concerning which Letter, Sir *Robert Southwel* declared that he found it in Mr. *Colemans* Canvas Bag, the Sunday after the papers were seized: and that Sir *Philip Lloyd* examined it. This Letter was Read in Court by Sir *Robert Southwel*, first in *French*, and then in *English*; which being a very brief and pertinent proof of the Correspondence in question, we shall here insert according to the Translation of it there Exhibited.

Sir *Robert Southwel* proves *La Chaises* Letter.

The LETTER.

Paris, Octob. 23. 1675.

SIR,

THE Letter which you gave yourself the trouble to write to me, came to my hands but the last night: I read it with great satisfaction, and I assure you that its length did not make it seem tedious. I should be very glad on my part to assist in seconding your good intentions; I will consider of the means to effect it; and when I am better informed than I am as yet, I will give you an account, to the end I may hold Intelligence with you, as you did with my Predecessour. I desire you to believe that I will never fail as to my good will, for the service of your Master; whom I honor as much as he deserves, and that it is with great truth that I am

La Chaises Letter to *Coleman.*

Your most humble and most obedient servant, *D.L.C.*

As it was the business of the Prisoners long Letter abovementioned, first to procure mony and then by his Interest, as he phansied to himself, to work a dissolution of the Parliament: so in case of attaining that end, Mr. *Coleman* had by him the Draught of a *Declaration*, as from His Majesty, shewing the Reasons of that Dissolution; promising before the end of the next *February* to call another Parliament, charging all persons to forbear talking irreverently of the proceedings, and offering 20 *l.* to the discoverer of any seditious talker against it, unto a Principal Secretary of State.

The substance of Mr. *Colemans* project of a Declaration.

This is in short the substance of that Voluminous Declaration; and he did not make more bold with His Majesty in this contrivance, out of his own head, then he did in another Letter of Mr. *La Chaise*, in the name of his Master the Duke of *York*, not only without the order and privity of the Duke, but incurring his very great displeasure upon the very mention of his project: as he himself confessed before a Committee of the House of Lords that discoursed with him in *Newgate*, to which point Sir *Philip Lloyd* deposed the truth of what is here asserted, he himself being then appointed to attend the said Committee.

His Letter in the Dukes name, which gave his Highness great offence.

The Letter itself was Read consisting most of Complement to the *French* Interest, and of such imaginations as might give Mr. *Coleman* some Credit and Authority in his future undertakings.

The sum of the Letter itself.

There was another Letter produced, which was also to *La Chaise*, and without date, it is too long to be here inserted, and the pinch of the Letter lying in a very narrow compass, we shall only give you so much of it as may be sufficient for our present purpose.

Another Letter to *La Chaise.*

Two material passages out of it.

We have a mighty work upon our hands, (says he) *no less than the Conversion of three Kingdoms; and by that perhaps the utter subduing of a Pestilent Heresie, which has Domineer'd over a great part of this Northern world a long time: There never were such hopes of success since the death of our Queen* Mary, *as now in our days.* And again, *It imports us to get all the aid and assistance we can, for the Harvest is Great, and the Labourers but few.*

Mr. *Coleman* owns the Letter.

This Letter was acknowledged by *Coleman* to be of his own writing as attested by Sir *Thomas Dolman* and Sir *Philip Lloyd* from Mr. *Colemans* own Lips. There were read also divers other Letters of the Prisoner, and one especially of *August* 21. (74) to the Popes *Internuncio* at *Bruxelles* where he owns the design to be *The utter Ruin of the Protestant party*, but these were never thought fit for the Press.

The Prisoner asks the Witness some questions.

The Prisoner did here crave the leave of the Court to ask Mr. *Oates* some questions, who (having been withdrawn to rest himself) was called again; it being also offered by the Court, that Mr. *Coleman* might speak with Mr. *Bedlow* also, but he did not desire it.

Dr. *Oates*'s answer to them.

Here the Prisoner demanded the particular days of the months, where the Consult was held; who were present at it: To which Mr. *Oates* made answer, that it was within two or three days of the Consult, in *May New Stile*, and *April*, *Old*, which began at the *White-Horse* and was afterwards adjourned to several Companies, That there were present at it the *Provincial*, *Mico*, *Strange*, and *Keins*; and that the Prisoner came to the Provincials Chamber two or three days after the Consult. As to that at the *Savoy*, in *August*, *Old Stile*, the Witness would not charge his memory with the particular day, and touching the Consult in *May*, that Mr. *Coleman* was not present at it; but two or three days after it, approved at *Wild-house* of the resolutions before taken.

The Prisoner says he was in *Warwick-shire* when charged to be in *London*.

The Prisoner here suggests that he was fourscore miles off, in *Warwick-shire* upon the 21. of *August*, *Old Stile* and so for two or three and twenty days before, solemnly imprecating himself that he never saw Mr. *Oates* his Face, but in the Council Chamber, and now in the Court, and that he never saw Mr. *Bedlow* but now in the Court in his whole life.

He pleads that both Witnesses did not swear to the same Fact.

Mr. *Coleman* did also endeavour to evade the danger of two Witnesses, by alledging that they did not both of them swear the self same fact; which was overruled by shewing that the general fact of killing the King, was sworn to by both, though not the particular manner, either of Pistol or Poyson.

He blames his expression and distinguishes upon the word Aid.

The Prisoner laboured likewise to extenuate the malice of his expressions, by calling them only *Extravagant*, and to expound himself, by saying that by the words *Aid* and *Assistance* was intended only *Mony* and not *Violence*, and finding that all this did not avail him, he offered proof that he was in *Warwick-shire* at the time sworn that he was in *London*, which being allowed him,

Boat-

Boatman was called again; whose Testimony was only this, that in *August* last, Mr. *Coleman* was in *Warwick-shire*, all *August*, to the best of his remembrance; but he could not say what time of the month the Prisoner was in *London*, and gave no positive answer. When he was asked if *Coleman* was in *Warwick-shire*, and no where else, the Prisoner affirmed that he had been at the Lord *Denbys*, and Mr. *Francis Fishers*, at least twenty days, and so concluded with these very words, *Positively I say, and upon my salvation, I never saw these Witnesses*, Oats *but once, and* Bedlow, *never before.*

Boatman Witnesses his being in *Warwick-shire.*

The Kings Council then sum'd up the Evidence, the Prisoner offerd the same things over again, and his servant was examined as to the time of his Masters going out of Town; and of his return; but could not speak certainly to the day.

His servant examined again but could not speak to the day.

So that the Lord Chief Justice proceeded to his Charge to the Jury, whereupon the Prisoner was found Guilty of the High Treason whereof he stood Indicted, and remanded to the Prison, with order to bring him again the next morning to receive his Sentence. The Prisoner repeating what he had said before, concerning the two Witnesses.

The Prisoner found Guilty.

Mr. *Coleman*, being brought again the next day (*November* 28.) to the Bar, first prayed favour for his papers, and then offered a Book, to prove him out of Town from *August* 15. to the 31. late at night, referring himself also (for the truth thereof) to some Papers and Books of Accompts which were then under seisure, alledging also the improbability of speaking in Company of killing the King, desiring the benefit, upon the whole matter, of the Act of Grace, but his offence being since the last Act of Pardon, and his other pretensions being found to be of no weight, The Lord Chief Justice, after a grave and pertinent Speech, pronounced Sentence upon the Prisoner to be Drawn, Hang'd and Quartered, *&c.* according to the usual form.

He is brought to the Bar again and offers a Book to prove he was out of Town.

Pleads the Act of Grace and receives his Sentence.

After Sentence past, the Prisoner denyed the making or receiving; the knowing or hearing, either directly or indirectly, of any propositions for the destroying of the King; the subverting of the Government; or the bringing in of Popery by violence, or by the help of any Forrein power. He declared upon his Salvation, that he had given the House of Commons a true accompt of all his Books, Papers, and Correspondences, and so desiring and obtaining leave for his Wife, and some immediate Friends to come to him, he was carried back to *Newgate.*

He swears himself innocent.

Upon the *Tuesday* following, the Sentence was Executed upon him, at *Tyburn*; where he thanked God that he dyed a *Catholick*, renouncing upon the word of a dying man, any knowledg of the Murther of Sir *Edmond-Bury Godfrey*, and so was turned off.

And is Executed.

THE

THE HISTORY OF THE Charge and Defence OF *William Ireland, Thomas Pickering* and *John Grove.*

The Indictment; for Conſpiring the death of the King.

ON the 17. of *December* (78.) *Thomas White* alias *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove* were Indicted at *Juſtice-Hall* in the *Old Bayly*, for Conſpiring the Murther of the King, *&c.* They all of them pleaded *Not-Guilty*, and the Jury (being Gentlemen of Quality,) was preſented, and ſworn, without any Challenge or Exception.

Dr. *Oates* ſworn.

The Kings Learned Council having opened the Indictment, the Witneſſes were called, and Mr. *Oates* firſt ſworn, and then demanded what he knew of a deſign for Murthering the King, and by whom: who gave Evidence to the effect following.

Mr. *Whitebreads* Letter to *Conyers.*

That in *December* laſt, Mr. *Whitebread* was made Provincial of the *Society*; and then ordered a Jeſuit at St. *Omers* (one *George Conyers*) to Preach againſt the Oaths of Allegiance and Supremacy, upon St. *Thomas of Canterburies* day, which he did, declaring them to be Helliſh and Antichriſtian.

He ſummons a Conſult.

That in *January* following the Provincial wrote a Letter to St. *Omers* unto *Richard Aſhby*, giving notice of his intent to deſtroy the King, and in *February* that he ſummoned the Jeſuits to a Conſult at *London*, upon *April* 24. *Old Stile*: The Provincial dating his Letters at that time from *London.*

A ſecond ſummons; and who appeared upon it.

That *Whitebread* iſſued a ſecond ſummons, which was received, *April* 5. *New-Stile*, whereupon Nine appeared at *London*; the Rector of *Liege*, Sir *Thomas Preſton*, *Marſh* the Rector of *Ghent*, *Williams*, the Rector of *Watton*; Sir *John Harper*, and from St. *Omers* two or three more, who were all under a caution to lie cloſe, for fear of diſcovering the deſign.

The Conſult of *April* 24. at the *White-Horſe-Tavern.*

That the firſt Conſult, *April* 24. *Old Stile*, was at the *White-Horſe-Tavern* in the *Strand*, where *John Cary* was ordered by *Whitebread*, *Ireland*, and *Fenwick*, to go Procurator for *Rome.* This Conſult adjourning after that to ſeveral places, as Mr *Sanders's*, *Irelands*, *Harcourts*, *Groves* and other places (not known to the Witneſs) in little meetings.

The Reſult drawn up by *Mico.*

That having debated upon the Matter of Religion, and the Murther of the King, *Mico*, the Secretary to the Society, did the ſame day draw up this following reſult:

It is reſolved, That *Thomas Pickering*, and *John Grove* ſhall proceed upon their attempt upon the perſon of the King; and that *Groves* reward ſhall be 1500 *l.* and *Pickerings* 30000 Maſſes. The ſum of the Reſult.

That this reſolution was firſt ſigned by *Whitebread*, and then by *Ireland* and *Fenwick*, and likewiſe by all the four Clubs at the meetings beforementioned: the Witneſs carrying the Inſtrument from one to another, and ſeeing them ſign it; *Whitebread*, *Ireland*, and *Fenwick* ſigning it at that part of the Conſult which paſt at their reſpective Chambers, the Witneſs being ſtill preſent. Who ſigned it.

That in *May*, Mr. *Whitebread* went to St. *Omers*, upon his Provincial Viſitation; and with him, *Cary* and *Mico*: *Cary* going from thence to *Rome*.

That *Whitebread* having rendred an accompt of the ſtate of the Catholicks proceedings in *England*, what monies Collected; what party made and engaged; what means uſed to promote the deſign, he ordered the Witneſs to come over into *England*, and to murther Dr. *Tongue* for publiſhing a Book called the *Jeſuits Morals*: who left St. *Omers* *June* 23. *New-Stile*, took Boat at *Calais* on the 24. and on the 25. met *Fenwick* at *Dover* with ſome youths that he was ſending to St. *Omers*. Dr. *Oates* came over *June* 24. by *Dover*.

That the Witneſs coming in a Coach with *Fenwick* and other Paſſengers for *London*, the Coach being ſearched ſome ſix miles on this ſide *Canterbury*, they found a Box full of Beads, Crucifixes, Images, *&c.* and directed to *Richard Blundel* Eſq; That theſe things being ſeized as Prohibited Goods: Mr. *Fenwick* ſaid that if they had ſearched him they might have found Letters in his Pocket would have coſt him his life, That *Fenwick* paſſed by the name of *Thompſon*, near the *Fountain Tavern* at *Charing-Croſs*, to which place he ordered the Searchers to write to him. In a Coach to *London*.

That coming to *London*, *June* 27. after a few days, one *Aſhby* came thither ſick of the Gout, and was adviſed to go to the *Bath* for his Cure. This *Aſhby* had been Rector at St *Omers*, and Dr. *Oates* declareth that he brought theſe following Inſtructions from *Whitebread*. Firſt, the offer of 10000 *l.* to Sir *George Wakeman* for making away the King. Secondly the Biſhop of *Hereford* to be murthered. Thirdly Dr. *Stillingfleet*. Fourthly, That (notwithſtanding the offer to Sir *George Wakeman*) *Pickering* and *Grove* might go on nevertheleſs. That Copies of theſe Inſtructions were diſperſed among the Conſpirators: And that Sir *George Wakeman* not accepting of 10000 *l.* *Whitebread* gave order for the making of it 15000 *l.* which was profered, and accepted as appeared upon their Books of Entries, and by a Letter from *Whitebread* expreſſing much ſatisfaction upon the agreement, 5000 *l.* of it being paid down in hand, by *Coleman* or his Order. *Aſhbies* Inſtructions from *Whitebread*.

That in *Auguſt*, one *Fogarthy* (ſince dead) was at a Conſultation of the *Jeſuits*, with the *Benedictines*; where *Fenwick*, and one *Harcourt* were both preſent. That at this Conſult *Fogarthy* recommended four Ruffians for the attempt, which the Conſultors accepted, and they were alſo approved of by *Fenwick*. That theſe Ruffians were diſpatched away, and the next day 80 *l.* was ſent them, (moſt of it Gold) *Coleman* giving the Meſſenger a *Guiny* to make haſt. Four Ruffians hired to kill the King.

That in *Auguſt*, *Whitebread* gave advice of what he had done about the *Scotch* buſineſs, ordering *W. Harcourt* (Rector of *London*) to ſend *Moore*, and *Sanders*, alias *Brown*, down into *Scotland*, whither they were accordingly ſent from *London*, *Auguſt* 6. in the name of the Provincial. Broils to be raiſed in *Scotland*.

Moore and *Sanders* to promote them.

The Witneſs ſwears further, that *Moore* and *Sanders* were imployed to promote the deſign of raiſing a Rebellion there, which *Fenwick*, and *Ireland* had projected: ſending down people under the diſguiſe of *Presbyterian Miniſters*, to put the *Scots* into a Tumult, by ſetting forth the ſad condition of living under an Epiſcopal Tyranny.

The Duke as well as the King to be diſpoſed of.

The Witneſs Depoſeth alſo that they had determined to diſpoſe not only of the King, but alſo of the Duke too, unleſs they found him (to uſe their own words) vigorous in promoting the Catholick Religion.

Dr. *Oates* was here examined if he knew the Priſoners at the Bar, and ordered to call them by their names, and likewiſe examined what he knew of *Pickering* and *Groves* acceptance of the Conditions; whereupon he named them all.

The Sacrament taken and an Oath of Secrecy.

And concerning *Pickering* and *Grove*, Dr. *Oates* declared that he himſelf was preſent at Mr. *Whitebreads* Lodgings, when they accepted of the Conditions, but that the Conſult was over, before *Grove* came thither, and that then he took the *Sacrament*, and an *Oath of Secrecy* upon it, and ſo agreed to it, And that a *Jeſuite* (by the name of *Barton* delivered the Sacrament.)

The Priſoner ſays Dr. *Oates* was at St. *Omers*, when he ſwears himſelf in *London*.

Hereupon Mr. *Whitebread* interpoſed, That whereas the Witneſs ſays that in *April*, and *May*, he was preſent at ſuch and ſuch Conſults, there were hundreds could prove that Dr. *Oates* was all that time at St. *Omers*; the Priſoner deſiring to know at what time he himſelf received that Sacrament, to which Dr. *Oates* Teſtified that he received it, at the ſame time, the 24. of *April*, the Priſoner taking God to Witneſs he was not there.

Cary ſent to *Rome*, in *May* or *June*.

Dr. *Oates* was then examined about the time that Mr. *Cary* was ſent to *Rome*, and upon what buſineſs; to which Dr. *Oates* anſwered, that *April* 24. it was reſolved that *Cary* ſhould be ſent, and that in *May*, or *June*, *Cary* was brought over by *Whitebread* to St. *Omers*, Secretary *Mico* with him, and that then *Cary* took his Journy, receiving 20 *l.* at *Paris* for his expences.

Dr. *Oates*'s Evidence againſt *Pickering* and *Grove*.

Dr. *Oates* being asked what he knew of any deſign upon the Perſon of the King in St. *James*'s *Park*, declared as followeth, That he ſaw *Grove* and *Pickering* divers times together in the *Park*, with ſcrew'd Guns, (betwixt Piſtols and Carbines) and that they had ſilver Bullets, which the Witneſs himſelf ſaw in the poſſeſſion of *Grove*, and in the months of *May* and *June*; and that *Grove* told the Witneſs that he would champ his Bullets, that the wound might not be Cured, upon this Mr. *Whitebread* ſuggeſted that the Witneſs was at that time actually at St. *Omers*. But Dr. *Oates* averred that he ſaw *Grove*'s Bullets twice or thrice in *May* and *June*, and *Pickerings* in *Auguſt*.

The Witneſs was now queſtioned what he knew of *Pickerings* Penance, and what was his offence; who gave Evidence,

Pickerings Penance; and for what.

That in *March* laſt, *Pickering* ſlipt a fair opportunity (as *Whitebread* told him) for his flint was looſe, and he durſt not ſtrike for fear of miſſing fire, and that for this neglect, he had twenty or thirty ſtrokes: and *Grove* was cenſur'd too for looking not better after it. That he had ſeen and read this in Letters from *Whitebread*, whoſe hand he knew very well.

Dr. *Oates*'s Riſque upon his diſcovery of the Plot.

The Witneſs was then ordered to ſpeak to the buſineſs of the Ruffians, that were ſent to *Windſor*, and how they ſucceeded; to which, Dr. *Oates* could ſay little, in regard that at the beginning of *September* laſt, one *Bedingfield* had written to *Whitebread* that the Plot was diſcovered, and that none but ſuch a one could do it, calling the Witneſs

by

by his borrowed name. That this Deponent coming to ſpeak with the Provincial at his Chamber, *Sept.* 3. the Provincial there ſhewed and read *Bedingfields* Letter to the Witneſs; reproching, ſtriking, and abuſing him; and charging him with a diſcovery of the Matter to the King: and asking him with what Face he could come to him thus, after he had betray'd him. That the Witneſs was not only reviled, and commanded to depart the Kingdom, but was aſſalted in his Lodging by *Whitebread*, and others, who would have killed him if they could.

Dr. *Oates* was called upon next to ſpeak to the Fourſcore pounds: who gave this Evidence; that he himſelf ſaw the mony at *Harcourts* Chamber in *Dukes-ſtreet* near the Arch; and that it was given by *William Harcourt*; but for the *four Iriſh men* that were ſent to *Windſor*, that he never ſaw them, or knew their names, or the name of the Meſſenger that carried it, but that the mony was paid by *Coleman*, and *Fenwick* preſent at the payment of it: To which *Fenwick* demanding, when this was, and where, Dr. *Oates* replyed that it was in *Auguſt*, and in *Harcourts* Chamber, *Fenwick* denying that ever he ſaw Dr. *Oates* there in his whole life. Fourſcore pounds ſent to *Windſor* to the Ruffians.

Dr. *Oates* being examined who ſigned the Reſolution concerning *Grove* and *Pickering*; declared that there were at leaſt forty that ſigned it, and the five Priſoners amongſt the reſt; and that the Witneſs carried it from one to another, and ſaw the ſigning of it, having been an attendant upon them ever ſince the Year —— and chiefly at Mr. *Whitebreads*, the Provincials Chamber, where it was firſt ſigned. That *Mico* drew up the Reſolution at *Whitebreads* Chamber, and all the Priſoners privy to it, That when the whole Conſultation had ſigned it, and Maſs was ready to be ſaid, *Grove* and *Pickering* did ſign it before Maſs, and approved of it, at the Provincials; where they all met that day to receive the Sacrament; which was delivered in a little Chappel at *Wild-Houſe*. Who ſigned the Reſolution.

As to the *Oath of Secrecy*, Dr. *Oates* gives Evidence that he ſaw *Whitebread* Adminiſter it, to all that were there: *Mico* holding the Book, (a Maſs-Book) but what the form of the *Oath* was Dr. *Oates* could not ſay. The Oath of Secrecy.

Mr. *Whitebread* reaſons the Matter, that he was in a very doubtful ſtate of Health, and that he would be loth to leave the world with a lye in his mouth, how much eaſier it is to aſſert an *Affirmative*, than to prove a *Negative*, and declaring before Almighty God that the Witneſs had not ſpoken three words of truth. Mr. *Whitebread* denies all.

Dr. *Oates* then called to mind that Mr. *Whitebread* was Authorized to grant *Military Commiſſions*, and informed that the Seals of the Office were in the Court, with which the Provincial had Sealed ſome hundreds. That ſome of them paſt the Seal in the time of the former Provincial; That the Commiſſions of the General Officers were Sealed by *Johannes Paulus de Oliva*, the General of the Order; but that the Seals for inferior Commiſſions were in the hands of the Provincial. That he had Sealed one to Sir *John Gage*, which was delivered unto him by this Witneſs, who received it from Mr. *Aſhby*, but by *Whitebreads* appointment: as appeared by a Memorial which the Witneſs ſaw and read. *Whitebread* charged with iſſuing out Commiſſions.

That *Whitebread*, when he went over, loſt ſeveral Commiſſions with Blanks, and one ready Sealed, which was delivered in his abſence unto this Witneſs. And that the intent of Arming, was to riſe upon the Murther of His Majeſty, *Ireland* and *Scotland* being already prepared to incourage an Invaſion. Several Commiſſions with Blanks.

Dr. *Oates*

Dr. *Oates* charges *Grove* and three *Iriſhmen* with firing *Southwark*.

Dr. *Oates* offered ſomthing here concerning *Grove*, informing that he went about with one *Smith* to gather *Peterpence*; either to advance their deſign, or to ſend them to *Rome*: Mr. *Grove* faintly denying any acquaintance with the Witneſs, whereupon Mr. *Oates* informed the Court, that in *December* laſt, going to take his leave of the then Provincial; before the Witneſs going to St. *Omers*, he met there with Mr. *Grove*, who appointed to come next morning to his Lodging, and lent the Witneſs eight ſhillings for the hire of the Coach, by which token it appears that they were acquainted, as well as by other Circumſtances, and by one very particular; when as the Witneſs informeth, *Groves* told him that *He* and three *Iriſhmen* had fired *Southwark*, and that they had 1000 *l.* for their pains: *Grove* 400 *l.* and the other, 200 *l.* a piece.

Fenwick offers the Seal of the College, and of the Town, to prove that Dr. *Oates* was at St. *Omers* *April* and *May*.

Upon the Courts examining Mr. *Fenwick* if he knew Dr. *Oates*, Mr. *Fenwick* owned that he did, and remembred it by divers Circumſtances, but inſiſted upon it that Dr. *Oates* was at St. *Omers* upon *April* the 24. which was the time when Dr. *Oates* affirms that he brought the Reſolve of the Conſultation to the Priſoners Chamber, and that for the month of *May*, Dr. *Oates* ſtirred not from St. *Omers* all that month, for the proof whereof, Mr. *Fenwick* offered a Teſtimony under the Seal of the Colledg, and ſigned by the Magiſtrates of the Town. To all which the Court gave a very favourable hearing, and offered time to make out a proof. But the Evidence propounded not being according to Law, the Priſoner in this point was overruled.

Dr. *Oates* came over to the *April* Conſult.

Dr. *Oates* on the other ſide, affirms that in *December* or *November* he went to St. *Omers*, ſtayed there all *January*, *February*, *March*, and part of *April*, came over to the Conſult of the 24. and went back again preſently after it was over. That Father *Warner*, Sir *Tho. Preſton*, Father *Williams*, Sir *John Warner*, one *Nevil*, *&c.* came over with him: And further, that a Lad from St. *Omers* being diſcharged the Houſe, and having loſt his mony, *Williams* ſupplyed him towards his going home (as he remembers) his name was *Hilſley*, and that they came up to *London* together.

And lay at *Groves*'s.

That the Witneſs lay at *Groves*, and there was a flaxen-hair'd Gentleman, and *Strange* the late Provincial, that lay there beſides: but that the Witneſs was charged to keep himſelf very cloſe, *Groves* in the mean time, denying that *Oates* ever lay in his houſe, and confeſſing that *Strange* did, but not in either *April*, or *May*.

Whitebread denies Dr. *Oates*'s coming up with *Hilſley*.

Mr. *Whitebreads* reply upon Dr. *Oates* was; that *Williams* and *Hilſley* did come up to Town together; and that Dr. *Oates* knew of it, but that he was not with them, nor could he be with them, for he had no orders.

The Court did here very tenderly adviſe the Priſoners to bethink themſelves, as a very material point, if they could make it out that Dr. *Oates* was not in *England* in *April* or *May*.

Mr. *Bedlow* called and ſworn.

Mr. *Bedlow* was now called and ſworn and then examined what he knew of any Plot to kill the King, and by whom; who rendred this account.

He carryed Letters for *Harcourt*.

That he had been near *Five years* a Carrier of Letters betwixt *England* and *France*, for the Society, and the *Engliſh Monks* in *Paris*. That the firſt Letter he carried, was from Mr. *Harcourt*, who ſent for him over (being then a Lieutenant in *Flanders*) about *Michaelmaſs* laſt was four years.

That

That the Witneſs viſiting the *Engliſh Nunnery* at *Dunkirk*, was kindly treated by the Lady Abbeſs, who entertained him ſix weeks in the Convent, and afterwards, recommended him to Sir *John Warner* as a perſon fit to be intruſted either with Letters or any thing elſe againſt *England*: That after a fortnights ſtay, Sir *John Warner* ſent him to Father *Harcourts*, the next ſpring he ſent him with ſeveral Letters into *England*, and Mr. *Harcourt* gave him ſeveral diſpatches from thence to *Morton* and *Doway*, and other places. Recommended by the Lady Abbeſs to Sir *John Warner*.

That in 1676. he carried a Packet to the *Monks* at *Paris*, which they communicated to the other *Engliſh Monks* in *France*, to whom it was directed, with a Letter in it to *La Chaiſe*, from *Harcourt*, *Prichard*, and *Cary*. That upon the receipt of this Packet, there paſt a Conſultation betwixt *La Chaiſe*, ſome *Monks*, and a *French* Biſhop or two, by whom mention was made (as *Stapleton* an *Engliſh Monk* told the Witneſs) of a Letter from the Lord *Bellaſis*, and other Catholicks in the Plot; ſhewing in what condition affairs ſtood in *England*. A Correſpondence betwixt *Harcourt* and *La Chaiſe*.

That from the *Engliſh Monks* at *Paris* the Witneſs was ſent with a Packet addreſſed to Mr. *Vaughan* of *Courtfield* in *Monmouthſhire*. That Mr. *Bedlow* went from thence to *Pontois*, and carried other Letters from thence into *England*; which he opened, and found to be only Prayers for the ſucceſs of the deſign, and an earneſt intreaty not to fail meeting at the *Warwick-ſhire* Conſult.

That *May* 25. 1677. The Witneſs carried over an other Packet, and delivered ſome Letters to the *Engliſh Nuns* at *Bruges* and *Ghent*. That coming to *Doway*, the Monks *Sheldon*, *Stapilton* and *Latham* being gone, the Witneſs haſtened after them, and overtook them at *Cambray*: That the intent of theſe Letters was to give notice of what had paſſed in a Conſult at *Summerſet-Houſe*, about the deſtroying the Proteſtant Religion; that there was great joy in *Cambray* at the News; and at *Paris* the Witneſs was informed that the Lord *Bellaſis* blamed them for not keeping touch with *England*, *Stapleton* telling the Witneſs that neither my Lord, nor the Society in *England* had any reaſon to blame them, for they had their Men, Mony and Armies in readineſs upon any occaſion: from thence the Witneſs was diſpatcht into *Spain* to an *Iriſh* Father, whom he overtook at *La Mora*; and from thence he went to *Salamanca*, and St. *Jago*; and ſo came back into *England*, and Landed at *Milford Haven*. Mr. *Bedlow* ſent to *Paris*. Mony, Men, and Arms in readineſs.

That the Witneſs paſſed thence to *London*, and delivered the Letter to Mr. *Harcourt*, that he did not look into the Contents of it, but knew that it tended to the ſame purpoſe with the reſt, and to the advancing of the Plot. That he was afterwards ſent by *Harcourt* and *Coleman* with Letters to ſome Papiſts in *England*. Letters for promoting the Plot.

That in the beginning of *Auguſt* laſt there was a cloſe Conſult at Mr. *Harcourts*, as this Witneſs was informed by *Pritchard*. That it was a Plot upon the Kings life, and that *Pickering* and *Grove* had been long about it, but that for fear of failing, there were four *Ruffians* to be imployed that would do it at *Windſor*, and that the next day, Mr. *Coleman* would inform the Witneſs of the ſucceſs. That *Pritchard* told him further; that ſome being ſent to *Windſor*, Mr. *Coleman* was following them, having given a *Guiny* to the Menſſenger that carried them their mony. And moreover; that the Witneſs demanded why they kept him ſo long a ſtranger to the deſign, they anſwered him that it was the Societies Reſolve, and the Lord *Bellaſis*'s Order, that none but thoſe of the Society, and the Actors in the Conſpiracy ſhould be made privy to it. A Conſult in *Auguſt* at Mr. *Harcourts*.

Conyers joyned to *Pickering* and *Grove*, in the deſign at *Newmarket.*

That about the latter end of *Auguſt*, as he believes, the Witneſs coming to *Harcourts* Chamber, found *Ireland* there, *Pritchard*, *Pickering* and *Grove*. That their diſcourſe was that ſince the *Ruffians* could not diſpatch the King, *Pickering* and *Grove* ſhould take in *Conyers*, and try if they could ſnap him in his morning walk at *Newmarket*. That they were all of them eager upon it, and eſpecially *Grove*, who ſaid that if it could not be done by ſurprize, it muſt be openly, and that at the worſt it would be an honourable miſcarriage; and that in ſpight of all diſcoveries the party was yet ſtrong enough to bring it about.

Pickering and *Grove* to be rewarded.

The Witneſs ſwears alſo, that *Fogarthy* and *Harcourt* were there, and that *Ireland*, *Grove*, *Pickering* and the reſt heard all this. That *Harcourt* promiſed the Witneſs a conſiderable reward, *Grove* to have 1500 *l.* if he came off, and to be the favourite of the Church; *Pickering* to have as many Maſſes at twelve pence a piece as would come to that mony.

Ireland denies the knowledg of Mr. *Bedlow.*

Ireland denies that ever he ſaw *Bedlow* before that time in the Court, and bade him produce a Witneſs if he could, that he had ever ſpoken to him.

Mr. *Bedlow* knows nothing of *Whitebreads* being in the Plot.

Mr. *Bedlow* was examined what he could ſay of the reſt; and his anſwer was, that he charged only thoſe three; that as to *Whitebread*; that he had heard he was deep in the Plot, but did not know it, and only knew him by ſight, but that *Whitebread* and *Fenwick* had been at many Conſultations.

Grove to put his 1500 *l.* into a Friends hand.

Mr. *Bedlow* came now to ſpeak to *Groves* agreement; and the 1500 *l.* His evidence was, that *Grove* was to put it into a Friends hand, but he knew not his name, nor the certain time of their agreement.

Ireland ſays he was in *Staffordſhire* not *London.*

Ireland affirms that he was not in *London* the whole month of *Auguſt*, and offers to prove by twenty Witneſſes that he was in *Staffordſhire* from one end of the month to the other, and deſires that Mr. *Bedlow* would name the place, and the Company where ever they were together.

Mr. *Bedlow* ſays he ſaw *Ireland* at *Le Faires.*

Mr. *Bedlow* replyed that he did not pretend to a familiarity with him, but that he had ſeen him often, and particularly at *Le Fairs* at *Somerſet-Houſe* in company with ſeveral other Prieſts and Jeſuites: upon *Irelands* bidding him name one, Mr. *Bedlow* named *Segnior Perrare*: I ſuppoſe (ſays *Ireland*) if *Perrare* may be brought hither, at which words Mr. *Bedlow* informed the Court, that *Perrare* was a Prieſt, and without diſpute concerned in the buſineſs.

The Reader may here take notice that the Printed Tryal has this paſſage in it page 45. Mr. *Bedlow* askes Mr. *Ireland.* do you know *Le Faire* and *Parrare?* To which *Ireland* replies Yes; but I never ſaw you in their Company, in *Somerſet-Houſe* in my life, but *Once or Twice*, yes (ſays Mr. *Bedlow*) you have *Twice* at *Le Faires.*

A Doubtful paſſage in the Printed Tryal.

Here is a Contradiction in the one part, and an Incongruity in the other, which neither finding in my own Notes, nor any notice taken of it in the Court, the Reader is left to judg if it may not be ſome ſlip in the Preſs.

A Plot upon ſome Noble Lords.

Mr. *Bedlow* gave Evidence alſo of his ſeeing Mr. *Fenwick* ſay Maſs at *Somerſet-Houſe*, and of another Plot diſcourſed of upon the lives of certain Noble Perſons: *Knight* to kill the Earl of *Shaftsbury*; *Pritchard*, the Duke of *Buckingham*; *O Neale* the Earl of *Oſſory*, and *Obrian* the Duke of *Ormond.*

Dr. *Oates*

Dr. *Oates* informs the Court of a Conſult he had forgotten, where there was a Plot laid to kill the Duke of *Ormond*, and raiſe a Rebellion in *Ireland*, declaring that in *January* laſt, *Fenwick*, *Ireland*, and *Whitebread* had the peruſal of ſome Letters from *Talbot* ſent to *London*, which they Communicated to the Society at St. *Omers*. The Letters ſpeaking to this effect, that the *Catholicks* ſtood fair to do their buſineſs in *Ireland*. And the Witneſs alſo ſwears, that he ſaw a Letter under Covert, ſigned by *Whitebread*, *Ireland*, *Fenwick*, &c. of thankſgiving for their hopes in *Ireland*, and declaring withal, that no ſtone ſhould be left unturned for the extirpation of that abominable Hereſie out of that Kingdom.

Dr. *Oates* calls to mind a Plot upon the Duke of *Ormond*.

That *Fenwick*, about the 21. of *Auguſt*, a little before his going to St. *Omers*, to bring home the Provincial, was at a Conſult, and did there conſent to a deſign upon the Duke of *Ormonds* life, and the moving of a Rebellion, after his death; and likewiſe approve of the four *Jeſuites* that were to do the work, and of ſending *Fogarthy* over to *Talbot*, in caſe the four *Jeſuites* ſhould not do their buſineſs. And alſo that Mr. *Whitebread* agreed to it, at his coming over, as may appear by his Books of Entry; for a Letter from Mr. *Whitebread*, dated as from St. *Omers*, about the latter end of *Auguſt*, and taxed at but two pence, made this Witneſs ſuſpect that it was written nearer hand: In that Letter *Whitebread* approved of the deſign upon the Duke, and the Witneſs ſwears that it was ſigned with his own hand, informing the Court, that the ſaid Reſult might be found in the Book wherein all the Conſults are Regiſtred.

Mr. *Fenwick* made privy to that Plot.

Mr. *James Bedlow* being ſworn, declareth that he did not know *Ireland*, That he had heard of *Pickering*, and *Grove*, and could ſay nothing to the Conſpiracy againſt the King, but he had heard his Brother talk of the Prieſts and Jeſuites, as people that he knew, and that many of them viſited his Brother. That he had fetched many ſums from them for his Brother, (as 50 or 60 *l.* at a time) as he had proved to the Duke of *Monmouth*, the Lord Chancellor, and Lord Treaſurer; from the perſons that paid the mony.

Mr. *James Bedlow* ſwears he had heard of a Plot.

Mr. *James Bedlow* being examined what he had heard his Brother ſay concerning Mr. *Ireland*, and how long he had known him, made anſwer that he had heard his Brother ſpeak of him, but where, or in what place, he could not tell.

Mr. *Ireland* urged that Mr. *Bedlow* made mention of one place, ſome three years ſince, and that it was at *Paris*, and that if he talked of him ſo long, he muſt have known him ſo long; whereupon the queſtion being put to Mr. *Bedlow* how long he had known Mr. *Ireland*, Mr. *Bedlow* made anſwer that he had only known him ſince *Auguſt* laſt; but that a man might talk of people that he never ſaw in his life.

Mr. *William Bedlow*, with his Brother, did now withdraw, and Dr. *Oates* ſpeaking to the ſummoning of a Conſult, did aver that he heard Mr. *Whitebread* ask Mr. *Peters*, if he had ſummoned the Conſult, as he directed, him and that Mr. *Peters* anſwered him, Yes, and that he had written into *Warwick-ſhire* and *Worceſter-ſhire* about it.

There was now a Letter produced from Mr. *Peters* a Priſoner about this Plot, Sir *Tho. Doleman* declaring in Court, that he found it amongſt *Harcourts* papers, the hand being likewiſe ſworn by Dr. *Oates* to be Mr. *Peters* hand; which Letter, as it follows, was read in the Court.

Feb.

Feb. 23. 1677.

Theſe for his honored Friend Mr. *William Tonſtal*, at *Burton*.

Honored Dear Sir,

I *Have but time to convey theſe following particulars to you. Firſt I am to give you notice, that it hath ſeemed fiting to our Maſter* Conſult Pro, &c. *to fix the* 21. *day of* April *next*, Stylo veteri, *for the meeting at* London *of our Congregation, on which day, all thoſe that have a ſuffrage are to be preſent there, that they may be ready to give a beginning to the ſame, on the* 24, *which is the next day after St.* Georges-*day, you are warned to have* jus ſuffragii, *and therefore if your occaſions ſhould not permit you to be preſent, you are to ſignifie as much, to the end others in their ranks be ordered to ſupply your abſence: every one is minded alſo, not to haſten to* London *long before the time appointed, nor to appear much about the Town till the meeting be over; leſt occaſion ſhould be given to ſuſpect the deſign; finally, ſecrecy, as to the time and place, is much recommended to all thoſe that receive Summons, as it will appear of its own nature neceſſary.*

Tertio pro Domino Solovo diſco.
Benefact. Prov. Lunienſis.

I am ſtraitned for time, that I can only aſſure you, I ſhall be much glad of obliging you any ways. Sir,

Your Servant *Edward Petre.*

Pray my ſervice where due, *&c.*

Mr. *Whitebread* declared that he knew nothing at all of this Letter, and Mr. *Ireland* that it was none of his Letter, and that he had not heard of it before in particular.

Upon this matter, Sir *Thomas Doleman* informed the Court, that Dr. *Oates* gave an account of this Conſult to His Majeſty and Council, four or five days before this Letter was found.

The Seals brought into the Court.

The Seals were now produced in Court, Dr. *Oates* affirming them to have been ſeized in the Provincials Chamber, and Mr. *Whitebread* confeſſing as much.

The Jury diſcharged of Mr. *Fenwick* and Mr. *Whitebread.*

The Jury were now diſcharged of Mr. *Fenwick* and Mr. *Whitebread*, upon a tenderneſs of not ſcrewing up any Evidence to an over rigorous conſtruction; ſo that they were taken from the Bar, to attend the event of a farther diſcovery.

The Priſoners being now called upon to make their defence, with an aſſurance that their Witneſſes ſhould be fairly heard, and a free Ingreſs and Regreſs allow'd them, without trouble, Mr. *Ireland* came on firſt, alledging,

Mr. *Ireland* proves his being in *Staffordſhire.*

That there were not two Witneſſes againſt him, for he could not be at *Harcourts* Chamber in *Auguſt*, being that whole month out of Town, That he went into *Staffordſhire*, *Auguſt* 3. in company with the Lord *Aſton*, his Lady, and his Son; Sir *John Southcot*, and his Lady, and that Mr. *John Aſton* can Witneſs for him, he being in *Staffordſhire* all *Auguſt.*

Mr. *Aſton* was then called, but did not appear, Mr. *Ireland* complaining that he had not liberty to ſend a Note to any body, but it appeared that his Siſter was free to ſolicit his buſineſs.

Upon

Upon *Irelands* denyal of his being in Town in *Auguſt*, *Sarah Pain* (whom *Grove* owned to have been formerly his ſervant) was ſworn, who gave this Evidence; That ſhe knew Mr. *Ireland*, and that ſhe ſaw him at his own houſe about a week after the Kings going to *Windſor*, who went about the 13. of *Auguſt* ſo that about the 20. ſhe ſaw him, and it was at a Scriveners in *Fetter-Lane*. That ſhe knew him very well, for he came often to Mr. *Groves*, and opened all the Packets of Letters, which her Maſter delivered afterwards, and Sealed thoſe that went beyond Seas. *Sarah Pain* ſwears that ſhe ſaw *Ireland* at his own door at a Scriveners in *Fetter-Lane*, about *Aug.* 13.

There was then called *Ann Ireland*, on the behalf of the Priſoner, who informed that *Auguſt* 3. Mr. *Ireland* ſet out for *Staffordſhire*, and continued there till about a fortnight before *Michaelmas*. Upon Mr. *Irelands* denying that he knew *Sarah Pain*, ſhe minded him of her bringing him divers Letters, that came by the Carriers, as well as by the Poſt, to which Mr. *Ireland* replyed, that it might very well be ſo, and yet he not remember it. Mrs. *A. Ireland* proves Mr. *Ireland* in *Staffordſhire*.

Mr. *Irelands* Mother (*Eleanor Ireland*) was then called, who declared that he went, and returned, as was informed by the Daughter, and that ſhe and her Daughter lay in the ſame Houſe with him, all the time: whereupon it was objected, that he might go from the Houſe and come again, as is ſuggeſted, and yet be in *London* in the mean time. And ſo does Mrs. *Eleanor Ireland*.

Dr. *Oates* declared that he was with Mr. *Ireland* in *London*, to take his leave of him, betwixt the 12. and 24. and that he ſaw him afterward within the month of *Auguſt*, at Mr. *Fenwicks* Chamber: and further, that upon the firſt or ſecond of *September* he himſelf had 20 *s.* of him in Town, which Mr. *Ireland* ſaid was a moſt falſe lie, he being then in *Staffordſhire*; and he minded them of a contradiction in the Witneſſes, the one ſpeaking of him as going to St. *Omers* the 12. and the other charging him with being at *Harcourts* Chamber at the end of the month; which was ſolved thus, that he might be *going*, or *pretending to go* and yet *not go*. Dr. *Oates* ſwears Mr. *Ireland* in *London* at that time.

There was next produced one *Harriſon*, the Coachman that carried him down, who informed; That he met the Priſoner (Mr. *Ireland*) *Aug.* 5. in the evening at the *Bull Inn*, in St. *Albans*, and Travelled with him till the 16. that he knew not whether he came from *London* that day, or not; and that he had never ſeen him before. That he was a ſervant to Sir *John Southcot*, who married the Siſter of the Lord *Aſton*, and that he carried the Priſoner to *Tixal* the Lord *Aſtons* Houſe: That after three or four days ſtay at *Tixal* he went to *Nantwich*, and ſo to *Weſtcheſter*, where he left him, and that he was now called up to Town by a Meſſenger the night before. *Harriſon* proves *Ireland* in *Staffordſhire*.

Mr. *Ireland* gives this account of his paſſage, That *Aug.* 3. he went out of *London* to *Standen*, where he lodged that night and the next, and on the 5. went to St. *Albans*, going out of his way for Sir *John Southcot* and his Ladies Company, who he knew were to meet the Lord *Aſton* and his Lady at St. *Albans*; and being asked how he could prove himſelf to be that whole month in *Staffordſhire*, when yet it appears that he was in *Weſtcheſter*, Mr. *Ireland* made anſwer that he was in *Staffordſhire* and thereabouts: And that he was at *Wolverhampton*, he deſired Mr. *Charles Gifford* might be called to bear him Witneſs; who gave Teſtimony, that from a day or two after St. *Bartholomew* he continued there till the 9. of *September*, and could ſay no more. Mr. *Irelands* Journal of his paſſage into the Country. Mr. *Gifford* Witneſſes it too.

Mr. *Ireland* then reflected upon the credit of Dr. *Oates*'s Teſtimony, having been told that he broke Priſon at *Dover*, and other ill things of him; ſo that he offered it as reaſonable, that ſome Witneſſes might be brought to atteſt his Reputation, deſiring time to produce more Witneſſes, having Witneſſes already to prove that there are more, and naming *Hilſley* for one that would prove, that when Dr. *Oates* ſaid he came over with him, Dr. *Oates* was all that time at St. *Omers*, but (ſays *Ireland*) no man can anſwer to a charge he was not aware of. Mr. *Ireland* reflects upon Dr. *Oates*'s Teſtimony.

Sir *Denny Aſhburnhams* Evidence.

Sir *Denny Aſhburnham* being ſolicited to appear, and teſtifie what he could ſay concerning Dr. *Oates*, was now called; and he informed that upon a Letter received that morning, with the copy of an indictment of Perjury againſt Dr. *Oates*, from the Town of *Haſtings*, for which he ſerved, he ſent them to Mr. Atturney, but it being only a Certificate, and the Indictment not proceeded upon, and no warrantable Evidence, and neither for nor againſt the Priſoners, it was not thought worth a reading. Sir *Denny Aſhburnham's* information was, that he had known Dr. *Oates* from a child, and that in his youth he was lookt upon to be a perſon not much to be confided in, that being the night before importuned by the Siſter of Mr. *Ireland* to give Evidence for the Priſoner, he refuſed ſo to do, declaring that he could not ſpeak any thing to his advantage: for though perhaps having known Dr. *Oates* in youth, he might have ſuſpended in his belief upon Dr. *Oates* his ſingle Teſtimony, yet finding it ſo ſeconded, he was clearly convinced, and ſatisfied with the truth of the thing, and he declared farther that he could ſay nothing to take off Dr. *Oates* Evidence. That the matter of the Indictment in queſtion was only Dr. *Oates* ſwearing the Peace againſt a man, and ſaying that there were Witneſſes could prove ſuch a Fact, which they would not do when they were called.

Mr. *Ireland* pleads his Loyalty.

Mr. *Ireland* pleaded the Loyalty of himſelf, and Family, his Relations plundered, an Unkle killed in the Kings ſervice, the *Pendrels*, and the *Giffords*, that preſerved the King after his Defeat at *Worceſter*, and ſo only deſiring time for more Witneſſes, he remitted himſelf to the Court.

Mr. *Grove* denies that Dr. *Oates* ever lay at his Houſe.

Mr. *Groves* ſaid little more than that Dr. *Oates* never lay at his Houſe, and that he never ſaw him take the Sacrament at *Wildhouſe*, as he could prove, if he were able to ſend for Witneſſes, his Siſter declaring that ſhe never ſaw Dr. *Oates* there, at her Brothers Houſe (Dr. *Oates* depoſing that he was there in a diſguiſe, and by another name.) The Priſoner concluding all with theſe words. *As I have a ſoul to ſave, I know nothing of this matter charged upon me.*

Mr. *Pickering* ſwears that he was never in Mr. *Bedlows* Company.

Mr. *Pickering* affirms that he never ſhot off a Piſtol in his life, that he never ſaw Dr. *Oates* that he knew of; offers to ſwear that he never was in Mr. *Bedlows* Company; urges that his Father was ſlain on the Kings ſide, and pleads that he had no time to ſummons his Witneſſes.

The three Priſoners found Guilty and Condemned.

After the Lord Chief Juſtice had given his directions to the Jury which were exact and impartial, together with ſome learned reflections upon the errors of the Church of *Rome*; the Jury went out to conſider of their Verdict, and in a ſhort time came in again, and returned the three Priſoners ſeverally Guilty of the High Treaſon whereof they ſtood Indicted, and ſo the Court adjourned till four in the Afternoon: when meeting again, according to their adjournment; Mr. Recorder, after a grave and weighty diſcourſe upon that occaſion, pronounced Sentence upon the Priſoners according to the uſual form in ſuch caſes, which Sentence was accordingly Executed upon *Ireland*, and *Grove*; *January* 24. at the common place of Execution, *Pickering* being Reprieved till *May* 9. 1679. when he likewiſe ſuffered death according to his Sentence.

THE

The Hiſtory of the Charge and Defence of Tho. Whitebread, Will. Harcourt, John Fenwick, John Gavan, *and* Anthony Turner.

THERE were tried by an *Oyer* and *Terminer*, at the Seſſions-Houſe at *Old Bayly*, *June* 13. 1679. Five Jeſuits and Prieſts, that is to ſay, *Tho. White*, alias *Whitebread*, (Provincial of the Society in *England*) *Will. Harcourt*, Rector of *London*, *John Fenwick*, Procurator for the Society, *John Gavan*, and *Anthony Turner*, upon an Indictment of High Treaſon, for a Conſpiracy againſt the Life of the King, the overturning of the Government, and the deſtruction of the Proteſtant Religion. There was alſo a Sixth brought to the Barr, one *James Corker*, but upon his Petition to the Court for longer time, in regard that he had not ſufficient notice for the producing of his Witneſſes, and the preparing of his Defences, he was, for the preſent, ſet aſide.

The Indictment being read, Mr. *Whitebread* repreſented to the Court, that having been tri'd on the 17. of *December* laſt, upon the ſame Indictment, the Jury impannell'd, and the Evidence found inſufficient that was brought in againſt him, and the Jury diſcharged without Verdict, he was informed that no man could be tried, and have his Life put in jeopardy twice for the ſame Cauſe; and therefore made it his Suit, that he might have Counſell to direct him upon that point in the matter of Law. He preſſed that his Life was in jeopardy, being deliver'd over in Charge to the Jury; and cited *Sayer*'s Caſe *Eliz.* 31. who having pleaded to a former Indictment for a Burglary, was Indicted a ſecond time; the Judges declaring that he could not be Indicted again for the ſame Fact. He deſired a ſight of the Record, and to be informed whether or no, being come upon his Trial, a man ought not to be either Condemned, or Acquitted. Upon which motion and propoſal it was opened unto him,

Mr. *Whitebread* pleads that a man ought not to be tri'd *twice* for the ſame *Fact.*

That the Jury being diſcharg'd of him, his Life was in no danger; and that the Jury being ſworn to make true deliverance of the Priſoners in their Charge, their Charge is not full till the laſt Charge of the Court, after Evidence. And farther, that their Plea was not to be ſupported without a Record; and moreover that there was no Record of *December* 17. concerning them, for there was no Verdict, becauſe there was no Trial, nor was it the ſame Indictment, but contained new matter. Upon which, Mr. *Whitebread* ſubmitted himſelf to the Court.

His *Plea* anſwered, and overrul'd.

Mr. *Fenwick* offered the ſame Plea with Mr. *Whitebread*, inlarging himſelf upon it; That they Two were in the ſame danger with the other Three that ſuffered, for if Mr. *Bedlow* (who declared he could ſay nothing againſt them) had given the ſame Evidence as againſt the reſt, they ſhould have been likewiſe Condemned: ſo that the Evidence falling ſhort, he ſuppoſed that they ought to have been diſcharged.

Mr. *Fenwick* pleads the ſame with Mr. *Whitebread.*

The Court proceeded now upon the Priſoners, who did all plead *Not Guilty*; and the Jury being called, they did unanimouſly Except (without naming them) to all thoſe perſons that had ſerved before as Jury-men in the ſame Cauſe.

The Priſoners challenge all that ſerv'd in the former Jury.

When the King's Counſell had opened the Indictment, Mr. *Oates* was the firſt Witneſs called, and ſworn: who giving the Court to underſtand,

Mr. *Oates* ſworn.

that he ſhould have occaſion for ſeveral Witneſſes, which he deſired might be called in, Mr. *Gavan* objected againſt it, for fear of giving them Inſtructions; ſo that Mr. *Oates* giving in their Names, a note was taken of them, and they were ſent for to be in readineſs upon occaſion, and then Mr. *Oates* came to his Evidence, declaring,

His Charge upon Mr. *Whitebread* for his Orders to *Conyers*.

That Mr. *Whitebread* was made Provincial *December* laſt was twelvemonth, and ordered *Conyers* to preach this Doctrine in the *Engliſh Seminary* upon S. *Thomas* of *Becket*'s day, That the Oaths of Allegeance and Supremacy were Antichriſtian, Heretical, and Devilliſh: which was done accordingly.

Mr. *Whitebread* charg'd for a Correſpondence with Father *Talbot*.

And that *Whitebread* wrote Letters in *January*, or *February*, to *S. Omers*, of what *Talbot* had written to him about the State of *Ireland*; which was, That thouſands would be in readineſs to riſe when the *Blow* was given: ſignifying by the word *Blow*, as was uſual among them, the Murther of the King. Farther declaring, that this Expreſſion was in *Whitebread*'s Letter, and that he ſaid (for the *Blow*) he hoped it would not be long firſt.

The *Reſolve* of *Apr. Conſult* ſign'd.

That in *January Whitebread* ſent two Jeſuits to ſee how things were in *Ireland*, of whoſe Return in *April Whitebread* delivered an Accompt: mentioning a Conſult appointed in *April*, *old ſtile*, *May*, *new*; where there met *Whitebread*, *Fenwick*, *Harcourt*, and *Turner*, who did all of them ſign the Reſolve; *Whitebread* at *Wild-Houſe*, *Fenwick* in *Drury-Lane*, *Harcourt* in *Duke-Street*. That the Conſult began at the *White-horſe Tavern* in the *Strand*, where *Cary* was made Procurator to be ſent to *Rome*: after this they Adjourned into ſmall Meetings, at *Whitebread*'s Chamber, *Ireland*'s, *Harcourt*'s, *Fenwick*'s. The Witneſs durſt not charge Mr. *Gavan* with this point.

The *Subſtance* of the *Reſolve*.

That the Reſolve ſigned as aforeſaid, was, that *Pickering* and *Grove* ſhould proceed to diſpatch the King; (as a good Expedient.) And that after this Conſult, the Witneſs and 8 or 9 more returned to *S. Omers*; and in *June Whitebread* went over to *Flanders*, (being Provincial) to look to his Charge; where, upon diſcourſe with ſome of the Fathers, he had this Expreſſion, That *he hoped to ſee the* ——— *at Whitehall laid faſt enough*; and *that if the Brother ſhould appear to follow in his Footſteps, his Paſſport ſhould be made too.*

Mr. *Oates* landed at *Dover June* 15. and came to *London* about *Noon*, *June* 17.

That *June* 13. *old ſtile* the Witneſs came for *England* by order, took boat at *Calais* on the 14. and on the 15. betimes in the morning he landed at *Dover*, where Mr. *Fenwick* was with ſome Students that he was ſending over. That *Fenwick*, the *Witneſs*, and ſome others took Coach, baited at *Canterbury*, and when they came ſix miles farther, there was a Box taken by the Searchers, directed *to the Honourable Richard Blundell, Eſq; at London*, and brought up by Mr. *Fenwick*. It was full of Beads, Crucifixes, and the like: and *Fenwick* deſired the Searchers to ſend it with a Letter for Mr. *Thompſon*, (ſo he called himſelf) to the *Fountain Tavern* near *Charing Croſs*. He ſwears farther, that *Fenwick* ſaid, if they had ſearched his Pockets, as they did his Box, it might have coſt him his Life; for *he had Letters there about the Concern in hand*. That he came to *London* about noon, *June* 17. *old ſtile*; and that in *July*, one *Aſhby* (or rather *Thimbleby*) and *Fenwick* brought over Inſtructions from *Whitebread*, for the offering Sir *George Wakeman* 10000 *li.* to poyſon His Majeſty, and for the filling up of a Blank Commiſſion for Sir *John Gage*, to be an Officer in the Army; and that by *Fenwick*'s own order the Witneſs gave it one *Sunday* into Sir *John*'s own hand; the Commiſſion being filled at *Wild-Houſe* by *Whitebread*'s order, but ſigned and ſealed by *Whitebread*, who ordered *Aſhby* in *July*, while he was at *S. Omers*, to have it filled up: which Order

Inſtructions to poyſon the King, and iſſue out Commiſſions.

the

the Witneſs ſaw, and knew the hand. That there were preſent at the filling of it up, Mr. *Harcourt*, Mr. *Aſhby*, and Mr. *Ireland:* and that *Fenwick* and *Harcourt* did counſell *Aſhby* upon his leaving of the *Bath*, (whither he went about the latter end of *July*,) to take his Circuit in *Somerſetſhire*, and poſſeſs the people there with the matter; not doubting but the Gentleman at *Whitehall* would be diſpatch'd before he came back.

Mr. *Aſhby* went to the *Bath* about the latter end of *July*.

As to Mr. *Gavan*, Mr. *Oates* declares, that ſeeing him in the Lobby, diſguis'd in a Periwigg, and one enquiring if he knew him, the Witneſs did not then well know him in that dreſs, and ſo gave no Information againſt him at that time; not conceiving the myſtery of it, knowing him to have a very good head of hair of his own.

Mr. *Oates* did not know Mr. *Gavan* in the Lobby.

That Mr. *Gavan*, in *July* 1678. informed the Fathers at *London* how things went in *Staffordſhire* and *Shropſhire*, and how induſtrious Father *Ewers* was to order matters in thoſe Countries. The Letter did not ſay from what place, neither did the Witneſs at firſt know the hand, but afterwards he did, as he ſhall make appear; and it was *July*, or *Auguſt*, that the Witneſs ſaw Mr. *Gavan* at Mr. *Ireland*'s Chamber. Mr. *Gavan* here interpoſed, *upon his Salvation, that he was as Innocent as a Child unborn:* which gave the Court occaſion to forbid the Interrupting of the Evidence.

Mr. *Oates* his Charge againſt Mr. *Gavan*.

Mr. *Oates* declared likewiſe, that meeting *Gavan* at *Ireland*'s Chamber, he gave *Ireland* the ſame Account of *Staffordſhire* and *Shropſhire*, as he had before in his Letter: and for the proof of his hand, the Witneſs ſaw him draw a Bill for payment of money to ſome little Prieſt; which was the ſame Writing with that Letter. That *Gavan* talked of Two or Three thouſand pounds that would be ready thereabouts for the deſign.

Mr. *Oates* knew Mr. *Gavan*'s hand, having ſeen him write a *Bill* for payment of money.

That betwixt *Auguſt* 8. and 12. *Ireland* took leave of the Witneſs, and others, at his own Chamber, as if he were going to *S. Omers*; and that he leaving the Town, *Fenwick*, in the other's abſence, executed the place of Treaſurer and Procurator. That *Auguſt* 21. *Fenwick*, *Harcourt*, *Keins* and *Blundell* were together at *Wild-Houſe*, and 80 *li.* before them, the greater part in Guinneys; which was for thoſe that were to kill the King at *Windſor:* and that the matter being agreed, *Coleman* came, and gave the Meſſenger a Guinny to quicken him in his diſpatch. That from *Wild-Houſe* they removed to *Harcourt*'s Chamber for the Papers that were to goe to *Windſor:* and that there the Meſſenger received his money.

Mr. *Ireland* takes leave of the *Witneſs*. Mony ſent to the *Ruffians*; and *Coleman* gives the Meſſenger a Guinny.

That a day or two after this, *Fenwick* and *Harcourt* being at a Conſult at the *Benedictines*, he had freſh News out of *Ireland*, from *Talbot*, of a Deſign upon the Life of the Duke of *Ormond:* he enquiring how things ſtood in *England*, and deſiring Commiſſions, and Money, for advancing the Deſign. That *Fenwick* ſent Commiſſions (as he told this Witneſs) to *Cheſter*, by an Expreſs; but concerning the Letters by the Poſt, the Witneſs ſpeaks his own knowledge. That Mr. *Fenwick* delivered this Witneſs ſome money for neceſſary Expences, charging him to get ſome Maſſes ſaid for the Succeſs of the Undertaking. That *Auguſt* 25. after noon, he ſaw *Fenwick* at his Chamber, he being next day to depart for *S. Omers*, with 8 or 10 Students: after which time the Witneſs never ſaw him more till he was in Cuſtody.

A *Conſult* at the *Benedictines*, and News from *Ireland* of a Plot upon the Duke of *Ormond*.

That the firſt or ſecond of *September*, a Letter coming from Mr. *Whitebread* that was charged but *two pence*, and yet paſſed for a forrein Letter, the Witneſs concluded that Mr. *Whitebread* lay cloſe ſomewhere in *England*. That *September* 3. the Witneſs went at night to viſit Mr. *Whitebread*, but could not ſpeak with him, becauſe he was at ſupper: but that next morning he gave the Witneſs ill Language, and Blows, asking him how he could look him in the face, having done ſo falſly by him. And that the

Sept. 3. Mr. *Whitebread* being at ſupper, M. *Oates* could not ſee him till next morning; and was then abus'd.

the Witneſs asking him what injury he had done him; his Anſwer was, that the Witneſs had diſcovered the buſineſs: upon this miſtake, that the perſon to whom the Witneſs had communicated his Information by Dr. *Tongue*, went to His Majeſty in the ſame-coloured Cloaths that the Witneſs wore, and Mr. *Whitebread* having received a deſcription of his Cloaths, concluded it to be the Witneſs.

Mr. *Whitebread* and M. *Oates* friends again.

That the Witneſs having countenanced the matter as well as he could to Mr. *Whitebread*, he ſhewed the Witneſs a Letter from *Bedingfield*, informing that the Deſign had taken Air; and that if the *five Letters* ſent to *Windſor*, and intercepted, had not made the reſt look like a Counterfeit, all had been ſpoil'd.

Mr. *Whitebread* over-joy'd at Sir *Geo. Wakeman*'s accepting the 15000. *li.*

That the Witneſs having pacified Mr. *Whitebread*, he offer'd to be friends with him, upon condition he would tell him the perſon, and the Miniſter that went with him. Mr. *Oates* declared this to be all he had to ſay to the Priſoner at the Barr, ſaving onely that upon Sir *George Wakeman*'s refuſing to poyſon the King for 10000 *li.* Mr. *Whitebread* adviſed the adding of *five thouſand pounds* more, and exceedingly rejoyced to find it accepted.

Concerning Mr. *Turner*, and his being preſent at the Conſult in *April*, and ſigning the Reſolve of Murthering the King, Mr. *Oates* has ſomething to ſay.

Mr. *Gavan* ſummon'd to the Conſult of *April.*

As to Mr. *Gavan*, Mr. *Oates* ſwears that he was ſummoned to the Conſult of *April* 24. but cannot ſwear he was there, but onely that he ſaw his *Name* to the Reſolve, which was all one with the Letter about *Staffordſhire*, the Witneſs ſtill declaring, that he never ſaw *Gavan* write any thing but the aforeſaid Bill of Exchange.

Mony rais'd to carry on the Deſign.

That *Whitebread*, *Fenwick*, *Harcourt* and *Turner* were there, and that the mony was raiſed for furthering the Deſign of deſtroying the King and Government. That *Gavan* wrote a Letter to Mr. *Ireland*, which he received by the hands of *Grove*, for the taking up of mony: declaring farther, that that Letter was received by *Grove*, and delivered to *Ireland*, giving an account of the affairs of *Staffordſhire* as is before related: and that this Account was given in *London* the Beginning, or Middle of *July*, when Mr. *Aſhby* was in Town.

Aſhby in Town the *Beginning* or *Middle* of *July.*

Gavan objects that M. *Oates* varies in his ſtory.

Here *Gavan* alledged that Mr. *Oates* ſaid but even now, that it was in the *latter end* of *July:* upon which Mr. *Oates* moved that the Witneſs might be examined by the Court, and not by the Priſoners, that would put things upon the Evidence which they never ſaid.

The *Priſoners* put croſs queſtions to the *Witneſs.*

After this the Priſoners put ſeveral Queſtions to the Witneſs. *Whitebread* ask'd him *how long he had known him before the* April *Conſult.* Mr. *Oates* anſwered, that he never ſaw his face before. Mr. *Whitebread* demanded *how he was to be employed*, and *what Recompence.* Mr. *Oates* told him, that when he left *S. Omers*, he was to wait upon the Fathers at Mr. *Whitebread*'s Chamber, and to carry the Reſult from place to place, where reſpectively they met.

Mr *Oates* ſtay in *England* was under 20 days.

To *Fenwick*'s Queſtions, *If Mr. Oates was at the White-Horſe Tavern, if he din'd there, how long he ſtayed in Town, who came over with him*, and *their Names*, Mr. *Oates* made Anſwer, That he was at the *White Horſe*, that he did not dine there, that his ſtay in *England* was under *Twenty days*, and that he could not punctually remember who they were that came over with him, it was ſo long ſince. Whereupon Mr. *Fenwick* told the Witneſs, that he need not charge his memory, for he had them in his Narrative. Mr. *Oates*, upon this, naming divers of them, as Father *Williams*, the Rector of *Watton*, the Rector of *Liege*, Sir *John Warner*, Sir *Thomas Preſton*, *&c.*

Mr. *White-*

Mr. *Whitebread* asked the Witneſs, if Mr. *Nevil* and Sir *Robert Brett* were there, he having ſaid ſo in his Narrative. Mr. *Oates* anſwered, that he believed that they were there. The *Priſoners* offer Mr. *Oates*'s *Narrative* for Evidence.

Mr. *Fenwick* offered Mr. *Oates*'s *Narrative*, as an Evidence upon Oath, being ſworn before a Juſtice of the Peace; inſiſting upon it, that his Evidence in Court ought to agree with his Narrative. But he was anſwered, that they were to proceed according to Law, which would not admit a Pamphlet in Evidence.

Mr. *Gavan* demanded of Mr. *Oates*, *whether it were in* Auguſt, *or* July, *that Mr.* Oates *ſaw him*, *what time of the month*, *and whether before Mr.* Aſhby *went to the* Bath, *or not.* To which Mr. *Oates* replied, that it was towards the middle or latter end of *July*, that he ſaw the Priſoner in Town, *Aſhby* being then alſo in Town, and *Gavan* telling the Witneſs that he would go ſee him; the Witneſs declaring particularly, that about *Mid-July Aſhby* came to Town, ſtayed not above a fortnight, deſigning for the *Bath*, and that at this time it was that *Gavan* communicated the ſubject of that Letter. Mr. *Gavan* ſeeks to entrap M. *Oates* about *Aſhby*'s being in *Town*.

Gavan demanded of the Witneſs, in which of the two weeks it was (*Aſhby* ſtaying but a fortnight) that Mr. *Oates* ſaw him in Town. The Priſoner expounding to the Court the Intent of that Queſtion, that he might endeavour to diſprove it either in the one week or in the other. But Mr. *Oates* could not charge his memory with the preciſe Week. *Gavan* preſſes Mr. *Oates* upon a preciſe Week; which he does not remember.

Mr. *Gavan* put it then to Mr. *Oates*, *how often he had ſeen him in* London. Whoſe Anſwer was, *onely one day*, but two ſeveral times that day, as he remembred, by the token that an Apothecary brought Mr. *Gavan* a Cordiall in the afternoon to Mr. *Ireland*'s Chamber, he being then and there indiſpoſed. That the Apothecary was called *Walpoole*, but that the Witneſs could not ſay whether it was he himſelf that brought it, or his ſervant. Mr. *Gavan* brake out here into this Expreſſion, *I do as truely believe that there is a* God, *a* Heaven, *and a* Hell, *as any one here does. As I hope for ſalvation, as I hope to ſee God in Heaven, I never ſaw Mr.* Oates *before that day in* January, *when he ſays I had the Periwigg on, and he did not know me. And as for* July, *I call God to witneſs, I never ſaw him then. Upon my ſalvation, I was not in* London. *Gavan* oppoſes M. *Oates*'s Evidence with a ſolemn Imprecation.

Liberty being allowed to the Priſoners to ask any Queſtions in their own defence, Mr. *Turner* asked Mr. *Oates*, if *Whitehall* was not the firſt place that ever he ſaw him in, when he told the Priſoner that he went by another name. Mr. *Oates* told him, that in that Diſguiſe, and beaſtly Periwigg, he did not ſo well call him to mind; and that he did not conſider *Names*, but he was the *Man*. He ſaw him at the Conſult, where there were 40 or 50 in the Meeting. That he could not ſay he ſaw him at the *White Horſe*, but at Mr. *Fenwick*'s Chamber he did. *Turner* laid hold of that, and minded him that at *Whitehall* he ſaid it was at *Wild-Houſe*: which Mr. *Oates* explained, by telling the Court, that in regard the greateſt buſineſs was done at *Wild-Houſe*, they called all Conſults the Conſults of *Wild-Houſe*. The Priſoners charge Mr. *Oates* with Miſtakes. Mr. *Oates*'s Anſwer to it.

Mr. *Dugdale* being ſworn, was Examined what he could ſay of *Whitebread* and *Harcourt*, but to begin with *Whitebread*. He declared, that he had ſeen *Whitebread* ſome two or three years agoe with the old Lady *Aſton*, at *Tixall*, having no great acquaintance with him. But that in a Letter from Mr. *Groves* to Mr. *Ewers*, he ſaw one of Mr. *Whitebread*'s incloſed, cautioning *Ewers* to chuſe men that were hardy, and deſperate, (or to that purpoſe) and no matter for their being Gentlemen. That he came to know Mr. *Whitebread*'s hand, by looking upon him as he was writing a Letter at *Tixal*, which he gave him to convey. That his Name was to the Mr. *Dugdale* ſworn, and charges Mr. *Whitebread*.

Mr. *Dugdale* knows Mr. *Whitebread*'s hand, having once ſeen him write a Letter.

Letter, and that it was ſo like the hand which the Witneſs ſaw him write, that he might almoſt poſitively ſwear it was the ſame. That he came to the ſight of this Letter, by intercepting it, and reading it; and that he ſaw it at *Tixall*: all Letters coming to Mr. *Ewers* under cover from Mr. *Groves*, being directed to the Witneſs; the ſaid Mr. *Ewers* being a *Jeſuite*, and the Witneſſe's Confeſſour.

Dugdale engag'd in the Plot by *Gavan*.

Mr. *Dugdale* ſwears farther, that he was engaged in the Plot upon the Life of the King by *Gavan* and divers others. That at Mr. *Ewers*'s Chamber, *This Witneſſe's*; at *Boſcobel*; and elſewhere; there were divers Conſultations about the Death of the King, and bringing in of Popery; wherein Mr. *Gavan* was a great man, having a good Tongue, and the faculty of moving the people: and the Witneſs believeth that Mr. *Ireland* was then in the Country.

A Meeting at *Tixall Sept.* laſt, to kill the *King*, and deſtroy the *Proteſtant Religion*.

That at *Tixall* there was one Meeting about *September* laſt, where my Lord *Stafford* was preſent, Mr. *Peters*, Mr. *Leveſon*, Mr. *Ewers*, and many more; Mr. *Gavan* among the reſt: and the Meeting was to adviſe upon the deſign of Change of Religion, and taking off the King. That this was *Sept.* 21. 1678. but that the Witneſs hath heard it ſpoken of two years agoe. That upon this occaſion, the Witneſs was by Mr. *Harcourt* choſen to be diſpoſed of at *London*, under the Government of Mr. *Parſons*. That *Ewers* and *Gavan* were the firſt that brake this buſineſs to the Witneſs, Mr. *Gavan* often perſwading and incouraging him to it. The Court appearing to be much affected with this Evidence, laid great weight upon it, as a thing wholly *New* to them. Upon which Expreſſion, *Gavan* made an Exclamation in theſe words, *'Tis ſo to me too, upon my Soul; for upon my Conſcience I never heard of it before*; bidding the Witneſs look upon him with Confidence if he could. Mr. *Dugdale* preſently deſiring Mr. *Gavan* to inform the Court, whether he ever had the Witneſs under his Tuition or no, or knew any ill thing by him; *Gavan* acknowledged that he had been acquainted with Mr. *Dugdale*, living within 11 miles of *Tixall*, and converſing with the Family; and that he knew Mr. *Ewers* very well, but never was in his Chamber. *Dugdale* proceeded, That ſome of the diſcourſe already given in Evidence was in the Little Parlour, and ſome in Mr. *Ewers*'s Chamber. And for a farther Argument of Friendſhip betwixt them, that this Witneſs gave them 400 *li.* to pray for his Soul, and to ſet forward this Deſign, and promiſed them 100 *li.* more, upon their Complaint that they ſhould want mony; Mr. *Gavan* aſſuring the Witneſs that he ſhould be Canonized for what he had done.

400 *li.* given by the Witneſs to pray for his Soul.

Forces expected from *abroad*.

A *Maſſacre* intended.

Mr. *Dugdale* ſwears farther, that in his hearing they talked as if they look'd for Forces from abroad; and that Mr. *Gavan* ſaid, that though they were in great Troubles themſelves, they would yet have Men and Mony enough to ſpare for ſuch a Deſign. And then, as to a *Maſſacre*, the Witneſs ſwears, that he hath heard it talk'd at ſeveral Conſultations. But they were firſt adviſed by a Letter from *Paris*, that paſſed through *Harcourt*'s hands, to make the Death of the King to be a *Presbyterian* Plot, and in caſe of his Miſcarriage, to engage the Proteſtants in a Revenge upon the *Presbyterian* party, as guilty of the Fact; and after that, to go on to a *Maſſacre*, and thoſe that ſcap'd it to be afterwards cut off by an Army.

King-Killing made lawfull.

The Witneſs ſaith moreover, that Mr. *Gavan* hath many times endeavoured to perſwade him of the Lawfulneſs, if not the Merit, of Killing any body for the Advancement of their Religion; giving Reaſons for it out of Scripture, and inſtancing in the Example of *Garnet*, and the Miracles wrought by his Reliques.

100 Treaſonable Letters ſeen by Mr. *D.*

He declareth farther, that he hath ſeen ſeveral Treaſonable Letters from beyond Seas ſtriking at the Life of the King, and the Proteſtant Religion, which

which this Witneſs hath intercepted, and read, at leaſt 100 of them, which were ſent from *Harcourt* to *Ewers* under a Cover from *Groves*.

Harcourt's Letter ſeen by Mr. *Dugdale* about the murther of Sir *Edmundbury Godfry*.

The Witneſs ſays farther, that the firſt Intelligence they had in the Country of the Death of Sir *Edmundbury Godfry* was from *Harcourt*; that it came to *Ewers* on the *Monday*, and bore date on the *Saturday* that he was Murthered. That the Intelligence was in theſe words, *This very Night Sir* Edmundbury Godfry *is diſpatch'd.* It was not ſaid by whom he was murthered, but that he was killed, and they knew by whom. Upon the ſight of *Harcourt*'s (or *Harriſon*'s) Letters, which were uſually ſign'd with *W. H.* which ſtands for both, this Witneſs went the next day to an Alehouſe hard by, and ask'd if they heard any thing of a Knight thas was murthered at *London*: And that he had an Evidence in Court for the truth of what he deliver'd.

M. *Dugdale*'s account of *Whitebread*'s Letters.

Mr. *Dugdale* was demanded a farther account of *Whitebread*'s Letters to *Ewers*; who ſaid, that he particularly remembred one, but could not ſay how many he had ſeen. Mr. *Harcourt* then asking the Witneſs the date of the laſt Letter the Witneſs had received from him; Mr. *Dugdale* anſwered, that as he remembred, it was that concerning the Death of Sir *Edmundbury Godfry* in *October*: and then *Harcourt* affirmed, that he had not written to him this year and half. Mr. *Dugdale* now applying himſelf to the Priſoner, minded him, that upon Mr. *Ireland*'s being laſt year in the Country, the Priſoner was uſed to ſend the *S. Omers* Letters to Mr. *Ireland*, and ſo they were diſpatch'd down to my Lord *Aſton*'s. That the Witneſs had the ſight of *Eight* of thoſe Letters, by the token, that he pretended to Conjure in telling the Death of Mr. *Edward Aſton*, before it was known to any of his Relations; which the Witneſs came to underſtand upon reading two of theſe Letters. That Mr. *Ireland* took it ill that he heard it no ſooner, and the Priſoner wrote him word of the ſending theſe Letters.

Harcourt charges *Dugdale* with contradicting himſelf.

Mr. *Harcourt* oppoſed, that Mr. *Dugdale*, but five weeks ſince, owned before a Committee of Parliament, that he did not know him, and came alſo to the *Gatehouſe* to entrap him, before the Gent. of the Committee; but he denieth that he hath written to him for ſeveral years, and the writing of any ſuch Letter as he mentions, or that he ever approved of putting any man to death: informing, that the Gent. for Experiment-ſake, deſired the Priſoner to write his own hand and name, and three of them alſo wrote their names, and he could not ſay which was the Priſoner's; who does not diſown all this while that he hath often writ to *Ewers*, and addreſs'd to *Dugdale*.

M. *Chetwin*'s Evidence concerning Sir *Edmundbury Godfry*.

Mr. *Chetwin* was now ſworn to ſpeak to a diſcourſe that paſt betwixt him and Mr. *Dugdale* the laſt Summer, what it was, and at what time; who gave this Evidence. That being in *Staffordſhire*, in a Family which Mr. *Sanbridge* (my Lord *Aſton*'s Kinſman) much frequented, the Gent. coming to him in *October* laſt, askt him if he heard any thing of a *Weſtminſter Juſtice* that was killed. The Witneſs told him, that he heard nothing of it. I was told (ſays Mr. *Sanbridge*,) by a Girl of the houſe this morning at *Elds*, that Mr. *Dugdale* had reported ſuch a thing there. This was upon *Tueſday* morning, and the *Saturday* following the Witneſs received an account at *Litchfield* that Sir *Edmundbury* was murthered. Upon Mr. *Dugdale*'s coming to Town, this Witneſs, with ſome others, went to him before his Examination, the Witneſs asking him what he could ſay about that Gentleman's death; who made anſwer, that he remembred a Letter from Father *Harcourt* to Father *Ewers* with theſe words in it, *This Night Sir* Edmundbury Godfry *is diſpatched.* That this Witneſs being out of Town when the Murtherers were tried, upon his return to *London*, enquired

if

if *Dugdale* was there; and finding that he was not, the Witneſs paſt this reflection upon it, that there was loſt a very material Witneſs.

Mr. *Dugdale* dealt with to kill the *King*.

Mr. *Dugdale* informs, that *Whitebread* charged *Ewers* in his Letter to take none but ſtout deſperate fellows, and that they were to kill the King; *to take away the King's Life*, in thoſe very words, as the Witneſs remembreth. That theſe Letters were ſent by the ordinary Poſt, and it being *wondred at, that any man would venture ſuch words in a Letter*, the Witneſs made anſwer, that he was to have been an Actour, and that they directed their Letters to him; that if they were diſcovered, he ſhould be hanged, and they come off. The Witneſs declaring, that he had been dealt with before by the Lord *Stafford* and Mr. *Ewers*, to kill the King. Mr. *Whitebread* demanding of him, whether he intercepted and read them himſelf; and the Witneſs replying, that he did ſo: whereof Mr. *Whitebread* deſired the Jury to take notice.

Mr. *Dugdale* privy to the whole *Deſign*.

Mr. *Dugdale* was then examined concerning Mr. *Turner* and M. *Fenwick*; who informs, that he had ſeen *Turner*, *Ewers* and *Leveſon*, with others, together at Mr. *Ewers's* Chamber at *Tixall*, and in other places, about two years ſince; and that he had heard them diſcourſe, and agree upon the whole deſign; and that this Witneſs had heard from *Ewers*, that *Turner* was to manage the Plot in *Worceſterſhire*: but that for *Fenwick*, the Witneſs cannot ſay that ever he ſaw him before. *Turner*, on the other ſide, did own that he had been 3 or 4 times in his whole Life at *Tixall*, but not ſo much as in *Staffordſhire* for theſe four laſt years.

Mr. *Prance* told of a Plot upon the King's Life; and 50000 men ready to ſet up *Popery*.

Mr. *Prance* ſworn and examined: who informs that *Harcourt* told him about a year agoe, as he was paying him for an Image of our Lady, that there was a Plot upon the Life of the King. And that Mr. *Ireland*, Mr. *Fenwick* and Mr. *Grove*, at Mr. *Ireland's* Chamber, were ſaying, that there would be 50000 men in readineſs, to ſet up the Catholick Religion: and Mr. *Fenwick* told him, that my Lords *Bellaſis*, *Powis*, and *Arundel* ſhould command them: and that *Grove* afterwards told the Witneſs, the aforeſaid Lords had Commiſſions to give places. The Witneſs depoſeth farther, that asking Mr. *Fenwick* what would become of Trades-men, if we ſhould come to have Wars; he bad the Witneſs never fear want of Trade, for there would be Church-work enough for Images, Crucifixes, and the like. That the Witneſs going to Mr. *Fenwick's* Chamber, after Father *James* (his Ghoſtly Father) was dead, Mr. *Fenwick* would have had the Witneſs come to Confeſſion to him. (This was about a week before *Michaelmas* laſt.) Mr. *Fenwick* denying all, the Witneſs minded him of a Table for the Altar that was brought him at the ſame time.

Mr. *Harcourt* asking the Witneſs if ever he had diſcourſed with him about any ſuch matter; Mr. *Prance* affirmed that he had, and that he paid the Witneſs for ſome Candleſticks, one *Thompſon* being in his company. *Harcourt* owning that he knew *Thompſon*, and bought ſuch Candleſticks of him.

Mr. *Bedlow's* Reaſons why he ſpar'd *Whitebread* in the Firſt Trial.

Mr. *Bedlow* ſworn: who informs the Court, that he declined the giving of full Evidence againſt *Whitebread* and *Fenwick*, for fear of diſappointing a deſign he had then afoot, being at that time treating with *Reading* about Mr. *Whitebread* and Mr. *Fenwick*, as well as the Lords in the Tower; appealing to ſome of the Juſtices upon the Bench for the truth thereof, and referring to his Apology at that time in the Court, for keeping himſelf upon a Reſerve. Mr. *Whitebread* asking him thereupon, if he ſaid any ſuch thing at the laſt Trial.

An account of ſending the *Iriſh-men* to *Windſor*.

Mr. *Bedlow* chargeth it upon Mr. *Whitebread*, that he gave Mr. *Coleman* an account of ſending the *four Iriſh-men* to *Windſor*, and that he ſaw *Harcourt* take out ſome 80 or 100 *li.* which mony he paid upon *Coleman's* Order,

der, and gave the Meſſenger a *Guinny* from Mr. *Coleman*, to drink his Health, as *Harcourt* told this Witneſs, *Coleman* being gone before he came in.

Pickering and *Grove* to be rewarded.

Touching the Reward of *Pickering* and *Grove*; that *Grove* was to have fifteen hundred pound, with an aſſurance of the good will of the Lords; and *Pickering* as many Maſſes, as at twelve pence a piece would amount to that ſumme: This allotment being made at *Harcourt*'s Chamber, where the Witneſs heard it from *Whitebread*, *Pritchard*, *Le Faire*, and *Keins*. That the Reward was for killing the King. *Pickering* having been diſciplin'd for his Neglects: one while the Flint's looſe; then no Powder in the Pan; and another time laden onely with Bullets, and no Powder. That he had ſeen *Fenwick* at *Harcourt*'s and *Whitebread*'s Chambers, when the thing was diſcourſed of, and that they all agreed upon it.

Pickering diſciplin'd for not having his *Arms* Fix'd.

A Debate upon the odd 5000 *li.* to Sir *George Wakeman*.

That he ſaw *Whitebread* at *Harcourt*'s Chamber onely twice; *Harcourt* himſelf was there once, and *Pritchard* and *Le Faire*, with others, at another time: where they diſcourſed of Sir *George Wakeman*'s ſticking at the 10000 *li.* and ſo made it up 15000 *li.* That the buſineſs of the Conſult was, firſt to adviſe upon their manner of doing it; and then what aftercourſe to take if they fail'd. Mr. *Ireland* propounding the taking off the King at his Morning-Walk at *Newmarket*; *Fenwick*, [redacted] and *Conyers* to be employed, and three or four more, as the Witneſs was inform'd.

That the Witneſs knew nothing of *Turner* but by hearſay. Nor of *Gavan*, more then that he had heard he was an Actour in the Plot.

Mr. *Bedlow* brought many *Pacquets* and *Portmantles* of *Intelligence* to *Harcourt*.

As to Mr. *Harcourt*, that he was very well acquainted with the Witneſſe's practice of bringing Pacquets and Portmantles from beyond Sea, having brought over ſeveral for himſelf. *Harcourt* replied, that the Witneſs never brought him but one Pacquet, and never any Portmantle; and that he never ſaw him more then twice, before that time in the Court, and once before the Councill. Mr. *Bedlow* informed the Court, that he had got 8 to have proved this, but the putting off the Trials ſo from time to time, had diſappointed him of his Witneſſes. Proceeding, that he had brought the Priſoner Letters from *Watton*, *S. Omers*, *Bruges*, *Paris*, *Valladolid*, and *Salamanca*, all of them concerning the Plot of changing the Religion of *England*, and overturning the Government; what Men and Moneys in readineſs, both at home and abroad, and what more expected: The Contributions and Accounts moſtly in Mr. *Harcourt*'s hands, the Witneſs having carried ſeveral papers from *Harcourt* to *Langhorne* concerning this matter.

Intelligence from *S. Omers*, *Bruges*, *Paris*, *Valladolid*, *Salamanca*.

Mr. *Whitebread* now (with leave of the Court) ask'd if Mr. *Bedlow* was a *Lieutenant* in *Flanders* or not; and whether of *Horſe*, or *Foot*. The Witneſs replied that he was a *Lieutenant* of *Foot* in the P. of *Frieſeland*'s Regiment. Upon which Mr. *Whitebread* replied, that the *Flanders Companies* had no ſuch Officers, but onely *Captains* and *Alfarez*. So Mr. *Bedlow* ſent for his Commiſſion to clear it.

Mr. *Harcourt* denies all, and tells how Mr. *Bedlow* and he came acquainted.

Mr. *Harcourt* pleaded, that ſome five years ſince Mr. *Bedlow* brought him a Pacquet from *Dunkirk*; and that upon the opening of it, the Priſoner found the Letters encloſed addreſſed to other perſons, to whom he ſent them, the outſide Cover being onely directed to him. This was the firſt time the Priſoner ever ſaw him; and the ſecond was, when he came afterwards to his Chamber, lamenting his Condition, that he was newly turn'd Catholick, and had loſt his Friends, when the Priſoner lent him 20 *s.* upon his promiſe of repaying it, but never ſaw him after, till lately at the Privy Councill. This was about four years ſince. Mr. *Bedlow* affirmed, that he had ten pounds of the Priſoner for the ſending for, but he could not properly produce his Witneſſes before the Trial of the Lords; and that he might honeſtly ſpeak a hundred times more of Mr. *Harcourt*.

Mr. *Harcourt* in the bottom of the Plot.

The Witneſs ſaith farther, That the Conſult which he carried to *S. Omers* he had from Mr. *Coleman*, to whom Mr. *Harcourt* went with him, and in that Conſult was the Main of the Deſign; and that he was alſo preſented by Mr. *Harcourt* to the Lord *Arundell*, who promiſed him great matters when the Times were come about. *Harcourt* interjecting, that *he ſpake not one true word*; Mr. *Bedlow* demanded of the Priſoner, if in *Auguſt* or *September* laſt he was not in company with *Le Faire*, or *Le Fevre*. To which Mr. *Harcourt* ſaid, He knew no *Le Faire*, but *Le Fevre* he did; and believes that he ſaw him then, but never ſince. And the Witneſs went on, that *Pritchard* recommended him to him, as a perſon tri'd and truſty, and fit to be taken into the privacy of the Deſign; *Pritchard* declaring to the Witneſs in their preſence, that the Death of the King was one part of it. And the Witneſs ſays farther, that going another time from *Pritchard* to *Harcourt*, he ſaw *Harcourt* give Sir *George Wakeman* a Bill of Exchange upon ſome Citizen for 2000 *li. Keins* and Sir *William Anderſon* being preſent: which Bill Sir *George Wakeman* read, folded up, and went and received the mony. And that Mr. *Harcourt* told Sir *George Wakeman* upon delivering the Bill, that *That* 2000 *li. was in part of a greater ſumme.* Sir *George Wakeman* replying upon it, that 15000 *li. was but a ſmall conſideration for the ſaving of Religion, and the ſaving of Three Kingdoms. Harcourt* deſired he might name the Citizen upon whom it was drawn; for it would then be found upon the Merchant's book. *Fenwick* urg'd, that it was not enough to averr that he ſaw a Bill of Exchange, if he cannot ſay from whom it came, and to whom it was directed. But the Court found that to be of little moment, Mr. *Bedlow* himſelf not being concerned in the Bill.

2000 *li.* to Sir *George Wakeman*, in part of a greater ſum.

Mr. Bedlow's *Commiſſion for Lieutenant was read.*

Sir *Thomas Doleman* was now ſworn concerning a Letter produced in Court, who delivered that it was found about a week after that Dr. *Oates* had inform'd the Councill of the Plot, in a Bag of Mr. *Harcourt's* Papers, which Sir *Thomas* was appointed to examine. And then the Letter it ſelf was read.

Mr. Petre's Letter.

Honoured Dear Sir,

I have but time to convey theſe following particulars to you. Firſt, I am to give you notice, that it hath ſeem'd fitting to our Mr. Conſult Prov. *&c. to fix the* 21. *of* April *next* ſtilo veteri *for the Meeting at* London *of our Congregation: on which day all thoſe that have a Suffrage are to be preſent there, that they may be ready to give a beginning to the ſame on the* 24. *which is the next day after S.* George's *day. You are warned to have* jus ſuffragii; *and therefore if your occaſions ſhould not permit you to be preſent, you are to ſignify as much, to the end others in their ranks be ordered to ſupply your abſence. Every one is minded alſo not to haſten to* London *long before the time appointed; nor to appear much about the Town, till the Meeting be over, leſt occaſion ſhould be given to ſuſpect the Deſign. Finally, Secrecy, as to the time and place, is much recommended to all thoſe that receive Summons, as it will appear of its own nature neceſſary.*

Tertio pro Domino Solone Diſco
Benefact. Prov. Lunienſis.

I am ſtreightned for time, that I can onely aſſure you I ſhall be much glad of obliging you any ways.

Sir,

Your Servant,

Edward Petre.

Mr. *Har-*

Mr. *Harcourt* being called upon to explain this Letter, informed the Court, that this Letter was written to one that had a Vote in the Meeting, which by the Order of the Society is to aſſemble once in Three years, and adviſe about their particular Affairs: that the chief buſineſs was about the Choice of a Procurator to be diſpatch'd to *Rome*, wherein Secrecy was requiſite, becauſe it was dangerous to have it known. As to the Caution of not haſtening before the time, or being too publick, for fear the Deſign ſhould be ſuſpected, wherein Secrecy was naturally neceſſary; Mr. *Whitebread* expounded it, that the Deſign was the getting of a Congregation, which it was prudential to keep ſecret, as a thing not permitted in this Nation; declaring upon his Salvation, that there was no other Reaſon for the enjoyning of that Secrecy: offering farther, that it would be very hard to take away mens lives upon a word, that may as well bear one Conſtruction as another: inſtancing in the uſual way of ſpeech, *I have a deſign to dine here or there to morrow*, where the word *deſign* is properly enough made uſe of. It was returned upon them, that the word *Deſign*, with a Caution of *Privacy*, and the Buſineſs being matter of *Secrecy in its own nature*, muſt neceſſarily imply ſomething of greater conſequence then the Election of an Officer.

Mr. *Harcourt* and Mr. *Whitebread* expound the Letter: But the *Court* not ſatisfied.

Mr. *Gavan* in Reply offer'd his Expoſition, that the Jeſuits in all places meeting once in 3 years for the Inſpection of their Officers, and the Regulation of their Members, This was their time for their meeting here: applying the word *Deſign* to the great Concernment of both Worlds, which was the ſubject matter of this Meeting: declaring, upon his Salvation, that though he was not at this Conſult himſelf, yet he believed that which he had delivered was the true and onely Cauſe of their Meeting: adding hereunto, that it being in time of the Parliament Sitting, *Secrecy* was *neceſſary*, that they might not give offence; and that it concerned them not to be taken notice of, when their Lives depended upon the Diſcovery. That the *Deſign* was the *Deſign* of a *Congregation*.

Mr. *Gavan's* Expoſition of it.

Dr. *Oates* objected, that though they juſtify the Conſult now, yet when there was but one proof of it, they denied at firſt that there was any ſuch Conſult. At which *Fenwick* diſown'd the Denial of it.

Mr. *Bedlow* declared, That whereas Mr. *Gavan* ſays, that their deſire of Secrecy was out of a Reſpect to the Parliament, he and others had been employed to bring more Jeſuits into *England* in Parliament-time, then in any other; for that they were then in leaſt danger. Dr. *Oates* adding, that they were more bold, and publick in the Lobbies and Court of Requeſts, in Seſſions of Parliament, and not forbearing to threaten the Proteſtants.

Papiſts bolder in Parliament-time then out of it.

Another Letter was now produced, and Sir *Thomas Doleman* called to ſpeak to't; who declared, that he found it ſome two days after that which was read before, among Mr. *Harcourt's* papers; and that reflecting upon Dr. *Oates's* Information to the Councill, concerning Commiſſions given out, and ſome ambiguous paſſages in the Letter, he, the Witneſs, preſented it to the Councill with theis *Quære* upon it: Enqu. *What is meant by the word* Patents?

It was ſigned *Chriſtopher Anderton*, *Hilton*, *Febr.* 1. 167⅞. *Oates* repreſenting that by *Hilton* was meant *Rome*, which *Harcourt* acknowledged. The Letter it ſelf was now read.

Worthy

Worthy Sir,

Anderton's Letter.

I know not from whence it proceeds, but I perceive that both your Letters and mine have bad fortune by the way; for my Correſpondents with you complain they hear not from me, whereas I write conſtantly intire Pacquets, and ſince the Bills I received from your ſelf for Sir William Goring, *and for Mr.* Ireland, *from Mr.* Shelly, *I have not had one Letter but what I received this week; which in part made recompence for the former, for it brought me three of yours, and one of Mr.* Ireland's, *for which I render you many humble thanks, and acknowledge the fifteen pounds from my Lord* Caſtlemain, *though Mr.* Ireland *made no mention of it in his. We are all here very glad of the promotion of Mr.* Thomas Harcourt. *When I writ that the* Patents *were ſent, although I gueſs for whom they were, yet I know not for certain, becauſe our Patrons do not uſe to diſcover things or reſolutions till they know they have effect. And therefore in theſe kind of matters I dare not be too haſty, leſt ſome will ſay,* A fool's Bolt is ſoon ſhot.

A diſpute upon the word Patents.

There aroſe a great difficulty upon the plurality of the word *Patents.* Mr *Whitebread* expounded it to be meant of his Patent for Provinciall; which being but one, would not have been called Patents. Which Mr. *Whitebread* qualified by making it a *Latiniſm*, and called it *Literæ patentes.* It was objected, that he being made Provincial *January* 14. and this bearing date *Feb.* 5. the word *Patents* could not be intended of his Commiſſion. To which M. *Whitebread* anſwers, that poſſibly they did not know till then; and that it was not known what Exceptions might be exhibited againſt the perſon named: beſides, that every Patent is called *Literæ patentes.* Dr. *Oates* affirmed, that if a man be choſen to a place, he muſt execute it, upon pain of Damnation if he diſobey his Superiour. To which Mr. *Whitebread* replied, that a hundred Inſtances might be given of Refuſalls in the caſe; and that he would have refuſed it himſelf, if he had foreſeen the Trouble of it; appealing to Almighty God, as he was to anſwer at the laſt day, that he knew nothing at all of this buſineſs. Dr. *Oates* declared that the Patents ſpoken of in this Letter were ſent, a great many of them, in *April* and *May* before.

The Priſoners being now called to their Defence, Dr. *Oates*'s Witneſſes were ſent for, to be in readineſs.

Mr. *Whitebread*'s defence; with Reflections upon the Witneſſe.

Mr. *Whitebread* beginning, that though he did not fear Death, he would be loth to die by Injuſtice: and that he hop'd that he ſhould be allow'd the common freedome of endeavouring to preſerve himſelf; for that a man's Life might be taken away by Perjury, as well as by a Piſtoll: ſo that he truſted that no man ſhould be admitted as an Evidence againſt him, that was not *probus Teſtis*; offering that D. *Oates* was not ſuch a man, and he craved leave to ſay that he was *Perjured.* He ſays that he did ſuch and ſuch things by *Whitebread*'s appointment, was preſent with him *April* 24. and that the Priſoner acquainted Dr. *Oates* with the whole deſign: a thing ſo improbable, that whoever believes it muſt take the Priſoner for a Mad-man, to truſt any body with ſuch a concern at firſt ſight; (for he confeſſeth that ſo it was;) and then to truſt a man that had his Livelyhood from the Society, (for they maintain'd him,) that is to ſay, firſt the Priſoner's Predeceſſor, and then himſelf. Upon his Importunity to be entertain'd in the Society, the Priſoner perſwaded him to withdraw, reflecting upon him as a perſon not anſwerable to the purpoſe he pretended to; and that for ſeverall Reaſons. Firſt, for his Principles; for he held ſeverall Opinions that were not ſound. Secondly, his Life was looſe, and therefore he was deſired to retire. To which end, he had a ſuit of Cloaths given him, a Periwigg, and 4 *li.* in his Pocket, which he

he promiſed to repay upon the ſale of his Library in *London*; but he never did. The Priſoner took notice of the juſt Wonder of the Court at writing to *Dugdale* by the Poſt in ſo plain and dangerous terms; and the like in his diſcourſe to Dr. *Oates:* but concluded in craving the Court's leave to produce Witneſſes, that from the 10. of *Decem.* to the 23. of *June* following Dr. *Oates* was at *S. Omers*, and lodg'd but one night out of the houſe.

It was obſerved upon Mr. *Whitebread*, as a ſtrange thing, that they ſhould ſtill maintain a man that they had ſo ill an opinion of: but Mr. *Whitebread* denied the maintaining of him, affirming, that he was not ſent over by them, as he ſaid he was, and undertaking to prove it: allowing all this while that they had maintained him before; and diſtinguiſhing betwixt an office of Charity to a man of Letters, and in neceſſity, and a Confidence of Intrigueing with him in ſuch a Caſe as this.

M. *Fenwick*'s Defence.

Mr. *Fenwick* then recommended it to the Court to conſider, that Dr. *Oates*'s Evidence from one end to the other was ſupported by the ſight of ſuch and ſuch Letters from one perſon or another; and all the Teſtimony is, the ſight of the Letters: as if *Fenwick*, that knew Dr. *Oates* was turn'd away from *S. Omers* for his Miſdemeanors, ſhould after that make him privy to all his Letters. The Priſoner deſired the Court to take notice, that he had a thouſand Letters taken from him, and not one Syllable either of Treaſon, or of ſolliciting people to come over, was charged upon him out of thoſe Letters. Urging, that all the proof made was but *ſaying* and *ſwearing*; and defying any man to make out any probability to any unbyaſſed judgement, how this could poſſibly be. Here the Priſoners were minded, that there is no other Evidence to be given, then by *ſaying* and *ſwearing*. *Fenwick* purſued his diſcourſe, declaring, that he did no more think of his being taken or accuſed, then of his death; and that he removed nothing; and that beſides Letters, there were ſeized in Bonds and Bills to the value of five or ſix thouſand pounds; and it ſeems ſtrange, that out of all this there ſhould nothing of a deſign appear. *For God's ſake* (ſaid the Priſoner) *where are the Commiſſions ſign'd? and the moneys paid?*

The Priſoners beg that their Witneſſes may be ſworn.

Mr. *Hilſley* being preſented to the Court as a Witneſs on the behalf of the Priſoners, Mr. *Whitebread* begs that their Witneſſes might be ſworn: which though it would not be granted, becauſe it was againſt the King; yet the Jury were directed to value the Teſtimony according to the credit of the Perſons, and the Matter in queſtion. Mr. *Gavan* offered that there was no poſitive Law; and the Lord *Coke* in his Inſtitutes ſays, that there is not ſo much as *Scintilla Juris* againſt it. But this being againſt conſtant Uſage and Cuſtome, it could not be granted.

Mr. *Whitebread* charges Dr. *Oates* with falſifying.

Preſſes the buſineſs of *Hilſley*.

Mr. *Whitebread* ſhews, that in Mr. *Ireland*'s Triall, *pag.* 35 and 36, Dr. *Oates* declares that he came from *S. Omers* with Sir *John Warner*, Father *Williams*, and Mr *Hilſley:* but it was anſwered, that printed Trialls are no Evidence; there may be *Errata's* in them. Then Mr. *Fenwick* asked Dr. *Oates*, if he did not acknowledge that he came over with *Hilſley:* and Dr. *Oates* told him, that to any queſtion of that day, if the Court thought it reaſonable, he would give an Anſwer. *Fenwick* inſiſted upon it, that Dr. *Oates* was forſworn in affirming he did; but not being convict, that could not be preſt: ſo that *Fenwick* offered to prove his affirmation by Witneſſes, that heard it; asking Dr. *Oates* again, if he came over with *Hilſley*. To which Dr. *Oates* made anſwer, that to put them out of their pain, as he ſaid Then, ſo he ſaid Now, that *One Hilſley* did come over with him. To which *Hilſley* anſwered, that he did not, for he left him at *S. Omers*. Dr. *Oates* acknowledged that *Hilſley* left him at *S. Omers*, but that he came away a day after him, and overtook him at *Calais*. *Hilſley* denied it, ſaying,

Dr. *Oates* clears the Objection.

ing, there were a great many there that could prove the contrary. Dr. *Oates* informed the Court, that *Hilſley* loſt his mony at *Calais*, and that he prevailed with Father *Williams* to relieve him. *Hilſley* confeſs'd the loſs of his mony, but utterly denied that ever Dr. *Oates* and he were in a Ship together. Dr. *Oates* urged, that he might be Examined if he were not in Orders: but it was not thought reaſonable to preſs him to accuſe himſelf.

Hilſley offers Proofs on the Priſoners behalf.

Hilſley offers Witneſſes to make out that Dr. *Oates* was in *S. Omers* the day after *Hilſley* came out, and ſeveral weeks after. Dr. *Oates* ſwears that *Hilſley* left them upon the way, and did not come throughout with them to *London*. *Hilſley* ſays that he believes Dr. *Oates* was told of his loſing his mony by one that was with him the ſecond of *May*, and that there was one in Court who (he ſuppoſed) could ſpeak to't.

Mr. *Parry* croſſes Dr. *Oates*'s Teſtimony.

Mr. *William Parry* offered then to ſwear, that Dr. *Oates* was at *S. Omers* upon that day when he affirms he came over, that is, that he was there upon the 25; that he ſtirr'd not from thence that day; that the Evidence din'd with him, and he went into the *Infirmary*, for he was ſick; that he was at *S. Omers* till after the 20. of *June*, by the token that he was there at a Play upon the 20. day. Dr. *Oates* denied the buſineſs of the *Infirmary*, and offered to make appear to the Court, that *Hilſley* had been ſeveral years of the *Sodality* of the *Jeſuits*; and that they dare not but ſay what their Superiours bid them.

Dr. *Oates* ſticks to his affirmation.

As to the 20. of *June*, Dr. *Oates* averrs that he was at S. *Omers* at that Action, but affirms that he was then come back again from *London*. *Parry* on the other ſide denied that Dr. *Oates* ever went out of the Colledge; for that he conſtantly din'd and ſupp'd with him, ſaving 3 or 4 days when he was in the *Infirmary*, where he entred *April* the 25. *old ſtile*. Dr. *Oates* advertiſed the Court of a Contradiction in the Priſoner's Evidence, upon the difference between *old ſtile* and *new*.

Mr. *Parry* for the Priſoners.

Mr. *Parry* affirms that Dr. *Oates* came to *S. Omers* in *December*, and went not out from the Colledge till the end of *June*, and that onely to *Watton*, for two days and a night; and that he is confident of what he ſays; for a Scholar never removes from thence to *England*, but 'tis the talk of the whole Colledge. And then (ſays Mr. *Gavan*) they goe away in Secular Garments, that no notice may be taken of their leaving the place. Dr. *Oates* admitted this as a general Rule, but that his caſe was a particular Exception to that Rule; and that he reſum'd the Habit of the Houſe upon his coming back to *London*, and appear'd as one of it ſtill, not knowing that it was taken notice of that he had been out, having never ſhewed himſelf in the Colledge in a Lay-Habit. Mr. *Whitebread* followed it, that let his Cloaths be what they would, his place and ſeniority was the ſame, ſo that at Meals he was viſible to the whole Houſe.

Mr. *Doddington* for Priſoners.

There ſtood up for the Priſoners one Mr. *Doddington*, (another Witneſs) that paſſed at *S. Omers* by the name of *Hollis*, betwixt 18 and 19 years of age, who gave this Account of Dr. *Oates*: That he entred the Colledge about a fortnight before *Chriſtmas*, and betwixt *that* and *June* was never out, but one night at *Watton*. That he ſaw him at leaſt every other day, and in particular the day after *Hilſley* departed, which was *April* 24. *new ſtile*; and falling ſick, he went the next day into the *Infirmary*: affirming, that he ſaw him in the Garden, upon the 2. of *May*, with one *Blood* or *Burnaby*. This Witneſs came into *England* in *April* laſt, about two months ſince, in part upon the Proclamation for recalling ſuch as were in Seminaries, and partly for want of Health.

Mr. *Gifford* for the Priſ.

Mr. *Gifford* was next Examined, who declared that he came from *S. Omers* about a month before, and that the occaſion of his coming was to juſtify

ſtify that Dr. *Oates* was at *S. Omers* when he ſaid he was here. He affirmed, that he ſaw him *May-day was twelvemonth* and *April* 21. at *S. Omers*, and kept him company the whole week after. That he remembers the *firſt* of *May*, by the token that one Mr. *Burnaby* coming that day to the Colledge, Dr. *Oates* made an acquaintance with him, and this Witneſs ſaw them together; and at the Colledge-hour of Recreation, for a week at leaſt, he came every day after dinner. That he was not in the *Infirmary* till the day after *Hilſley* was gone away, continuing there about three days; and from that time till *June* at leaſt, *Gifford* ſolemnly averrs that he ſaw him at leaſt every other day, for he never was out all that time, but one night at *Watton*, for his Relaxation. And he could not but be taken notice of: for though there were a matter of 150 that eat all in the ſame Room; yet he ſitting at a Table apart, betwixt the Religious and the Youths, could not chuſe but be taken notice of.

Mr. *Palmer* for the Priſoners.

Mr. *Palmer* ſtood up next; who inform'd, that he came from *S. Omers* 2 or 3 months ſince, and that he came becauſe he car'd not for ſtaying any longer: that his Father lives by *Windſor*: that he ſaw Mr. *Oates* on *May-day*, *new ſtile*, by the token that there were Strangers that day; and that the Witneſs ſaw him in the afternoon playing with the other Boys at Ninepins. (They call all thoſe Boys that are not of the Religious: And though he ſate at a Table diſtinct, yet going to School, he was ſtill reckon'd among the Boys.) The Witneſs ſaw him the next day with Mr. *Burnaby*, and it was wondred at, his thruſting himſelf into his company, having never ſeen him before, as Mr. *Burnaby* ſaid himſelf. That the Witneſs ſaw him alſo at the Action; and alſo with Mr. *Killingbeck* on the 5. of *May*, who was then departing; and likewiſe with Mr. *Poole*, at his going away. That the 11. day, at a Play, Dr. *Oates* would needs ſit in the place of the Muſick, and one Mr. *Watſon* quarrelled with him. Seeing him alſo betwixt theſe times, and ſo from time to time, till *June* following.

Mr. *Cox*.

Mr. *Cox* informed, that he came away from *S. Omers* in *November* after Dr. *Oates*: that he knew Dr. *Oates* very well, and ſaw him at *S. Omers* at the time when he affirms that he was in *England*; for he was often with Mr. *Poole* when he was ſick, which Mr. *Poole* was the Witneſſe's Muſick-Maſter. That he went away in *July*, and never ſtirr'd from *S. Omers* till he went quite away. That the Witneſs was there alſo till Dr. *Oates* went, which was after the Conſult of the Jeſuits, which he affirms to have been in *April*, and himſelf to have been at. The Witneſſe's jumbling of the Months cauſed the people to laugh: and the Witneſs ſtill perſiſted, that Dr. *Oates* was at *S. Omers* till the Jeſuits Conſult was over. He informed that he came thither, and was onely one night out of the Houſe, at *Watton*, all the time he was there. That he did not goe away with Mr. *Hilſley*, for a Gent. that was going that day for *England*, being loth to riſe, Dr. *Oates* told a ſtory of him how loth he was to leave his bed, which was the day after *Hilſley* went away. The other Gent. went upon the 5. of *May*, and Mr. *Poole* and Mr. *Nevil*, who he ſays were with him in *England*, were neither of them abſent at that time. That Dr. *Oates* was at *S. Omers* all *May* and *June*. The Witneſs being preſt to name the month when D. *Oates* came away, he ſaid he could not remember it.

M. *Billing*.

Mr. *Thomas Billing* informed, that he came about 3 months ſince from *S. Omers*: that he knew Dr. *Oates* very well, and ſaw him at *S. Omers* the very day, or the day after that he came thither; (the 10. of *December*;) and that he continued there till toward the end of *June*, never out of the Houſe but once at *Watton* in *Chriſtmas*; this Witneſs being then in the *Infirmary*, and Dr. *Oates* came in, ſaying that he had been at *Watton*. That he had been twice in the *Infirmary*, and the ſecond time was in *April*, where (as

the

the Witneſs remembers) he was 3 or 4 days: that he ſaw him in the Colledge from *December* till about the end of *June*. That he was there all *May*, and could not be 8 days in *England*, as he ſays; for being entred into the Sodality *March* 25. he was appointed to read at ſix a clock every *Sunday morning*, and after he had begun, he read conſtantly in courſe till he went away: for he was never ſick on a *Sunday* in *April*, but ſomewhat indiſpoſed, ſo that he went to the *Infirmary* upon occaſion for ſome 3 or 4 days, and once in 2 or 3 days the Witneſs conſtantly ſaw him. That upon the ſecond of *May* he ſaw him with Mr. *Blunt* in the Garden, and alſo with one Mr. *Ruſhton*, by certain tokens.

Mr. *Townley*. Mr. *Townley* informed, that he knew *Oates*, and ſaw him in *April*, *May*, and *June*. Dr. *Oates* departed from *S. Omers* about the 10. of *June*: he believeth that he ſaw him every other day for all *April* and all *May*: for ſitting at a ſingle Table, as he did, he might be eaſily miſt.

Mr. *Fall*. Mr. *Fall* informed, that he came from *S. Omers* ſome 2 months agoe: that he ſaw Dr. *Oates* about *Chriſtmas was twelvemonth*, and ſo from that time till *June*, ſave while he was at *Watton*. This Witneſs hath been in the Convent 2 years and a half.

Mr. *Hall*. Mr. *John Hall* informeth, that he came from *S. Omers* in *July* 1678. having been there above 7 years: that he ſaw Dr. *Oates* there in *April*, *May*, and till about the 23. of *June*; the Witneſs taking a more particular notice of him, by ſerving as a Butler, and laying the Table, and drawing Beer, and the like; ſerving Dr. *Oates* himſelf moſt days. That he came away for his health, beginning to be ill, at *Chriſtmas* (77.) That he lives with his Father in *Radnorſhire*, and came up to *London* upon a Summons as a Witneſs.

Mr. *Cook*. Mr. *Cook* informs, that he came from *S. Omers* laſt *January*, upon this occaſion, and that he hath been ever ſince in Town. That he ſaw Dr. *Oates* there in *June*, and that he went away upon the 23; which he knows, being a Taylour, and having made him ſome Cloaths. That he ſaw him every day, and ſometimes 20 times in a day. That he was there *all April*, and *all May*, and he came twice every week to the Witneſſe's Shop for things. That the Witneſs liv'd in the Colledge, and remembers that Dr. *Oates* was at *Watton* onely one night in *April*, but he cannot ſay the very day; onely it was ſpoken of over the Houſe.

Mr. *Gavan* preſſes Dr. *Oates* upon his *Narrative*. Mr. *Gavan* offers, that Dr. *Oates* ſays in his Narrative, he came over in company with Sir *John Warner* and Sir *Thomas Preſton*; and that to prove him perjured, clears the Priſoners. But being told, that they ſhould have Indicted him, and made that out before, if any ſuch thing were; Mr. *Whitebread* replied, that they were kept cloſe Priſoners; preſſing again the buſineſs of his coming over with Sir *John Warner*.

Dr. *Oates* clears himſelf. Dr. *Oates*, to clear himſelf of all Contradictions, ſays, that he named ſome perſons at one time, and ſome at another, as his memory ſerved him; naming the Rectour of *Liege*, Sir *John Warner*, Father *Williams*, Father *Marſh*, Father *Warner*, Sir *Thomas Preſton*, *&c.*

Bartlet for the Priſoners. One *Bartlet* a *Dutchman*, but ſpeaking a little *Engliſh*, informed, that he came from *S. Omers May* 23. (78.) *new ſtile*: that Sir *John Warner* was at *Watton* all *April* and *May*; and that he was there himſelf, and ſaw Sir *John* there: that he had been ſome five or ſix weeks in *England*, and came over about the latter end of *June*. But *Bartlet* being minded that he ſaid the 23. of *May* before, he excuſed himſelf, that he thought the queſtion had been ask'd concerning Dr. *Oates*'s coming over, which he heard of beyond ſeas.

Carlier by an Interpreter. Mr. *Tiſſer* was then ſworn to be a true Interpreter to one *Carlier*, a Witneſs for the Priſoners that could not ſpeak *Engliſh*.

Mr. *Tiſſer*

Mr. *Tiſſer* informs, that *Carlier* came into *England* about ſeven or eight weeks ſince, and that he was for the laſt two years in *Watton*: that he was the *laſt Sunday* in *April*, and *all May*, at his houſe there, the Witneſs having been his Gardener.

Then Mr. *Tiſſer* ſtood Interpreter for another Witneſs, *Charles Verron*, who ſpeaks no *Engliſh*. *Verron* ſays, that Sir *John Warner* was at *Watton all April* and *May was twelve-month*, and ſo till *September*: and the Witneſs affirms it, for he paſſes with a Veſſel between *S. Omers* and *Watton*, and for the moſt part ſees Sir *John* every day: and that the Witneſs is of the *Roman Religion*. Sir *John Warner* proved at *Watton* by *Charles Verron*.

Bailleé (a ſervant to Sir *John Warner*) informs alſo, that Sir *John* was all *April* and *May was twelve-month* at *Watton*: and that he being a Maſon, Sir *John* gave him Directions about a Building, and look'd after the doing of it himſelf. And by *Bailleé*.

John Joſeph informs, that he knows Sir *Thomas Preſton*, and that he ſaw him almoſt every day in *April*, *May*, and *June*, or however, 2 or 3 days in a week. That the Witneſs was Porter of the Gate to the *Engliſh* Houſe at *Liege*, where Sir *Thomas Preſton* was in the months of *April*, *May*, and *June*. But that Sir *Thomas Preſton* was away in the time of Vacancy, which is in *Auguſt*. Sir *Thomas Preſton* proved at *Liege* by *John Joſeph*.

Peter Carpentier informs, that being *Caterer* at *Liege*, he knew Sir *Thomas Preſton* very well, and ſaw him there every day, all *April*, and *May*. And by *Peter Carpentier*.

Mr. *Gavan* told the Court, that he had no more Witneſſes to this point: and then offered the difference of his Caſe from the reſt; and that Dr. *Oates* did not charge him as ſitting in the Conſult, but as ſeeing his Hand to it afterwards: repreſenting, that onely a profeſt *Jeſuit* has a Right of ſitting there, (which as then he was not.) The Priſoner inſiſts upon a Witneſs that he has, to prove, that at that time he was at *Wolverhampton* in *Staffordſhire*. Being told that it was his Hand to the Conſult, not his being preſent at it, that was charg'd upon him: *Gavan* replied, that he could not ſign it at *London*, unleſs he were at *London*; and ſo he offered to prove himſelf at *Wolverhampton* the *four* and the *five and twentieth of April*. But Dr. *Oates* ſwearing that it was in *June*, or *July*, that he ſaw Mr. *Gavan*'s hand to the Conſult, it was conſidered, that it might be ſign'd at any time during that Intervall; and ſo the proving Mr. *Gavan* at *Wolverhampton* the *four or five and twentieth of April* would doe him no good: but however his Witneſs was called. Mr. *Gavan*'s different Caſe; and not at *London* when charg'd to be.

Catharine Winford inform'd, that for the greateſt part of the Summer, Mr. *Gavan* ſojourn'd in her houſe at *Wolverhampton* in *Staffordſhire*, in *June*, and ſo to the 23. of *July*, when he went to another Lodging in the Town, more convenient for his turn. The Witneſs ſaid, that he was never from thence in all that time, and that he ſojourn'd longer with her, but ſhe onely ſpeaks to the Months in queſtion. That after he went, ſhe ſeldom failed a day of ſeeing him: and that ſhe was a *Roman Catholick*. Mr. *Gavan* prov'd in *Staffordſhire* by Mrs. *Winford*.

Mary Poole informed, that ſhe had known Mr. *Gavan* 6 or 7 years, and that being a Servant to Mrs. *Winford* at *Wolverhampton*, ſhe ſaw Mr. *Gavan* at this time twelvemonth at her Miſtreſſe's; and that he was there in *April*; and that ſhe believes he was there in *May*, for ſhe does not remember his going away till the end of *July*; and he was there alſo in *June*. It was asked her why ſhe ſtuck more at *May* then the other *Months*: and her Anſwer was, that any body might miſtake. She own'd her ſelf likewiſe to be a *Roman Catholick*. And by *Mary Poole*.

Mrs. *Winford* was farther examined, what Circumſtances ſhe could call to mind at the time when he went from her. To which ſhe anſwered, And by Mrs. *Winford* again, more particularly.

That not knowing what ſhe ſhould be examined upon, ſhe could not well recollect her ſelf; but that he went often abroad to my Lord *Aſton's*: that ſhe knew not how long he ſtay'd there, but that ſhe was confident that he did not goe to *London*, for he had no Linen with him then, as he had when he uſed to goe a Journey. Dr. *Oates* ſuggeſted to the Court, that he took a Chamber to goe into the Exerciſe, and that under that pretence he might ſlip to *London* and no body the nearer, becauſe upon that occaſion they are cloſe ſhut up. To which Mrs. *Winford* anſwered, that ſhe knew nothing of it, but upon any urgent buſineſs people are then admitted to ſee them; and that ſhe her ſelf could ſpeak it upon her own knowledge, and that about the end of *July* ſhe went often to him after he had left her Lodgings. That the former part of *July* he was in the Witneſſe's houſe, from whence he went upon the 23. That he was not ſhut up in the Witneſſe's houſe, and that the laſt *Eight days* ſhe was allowed to come to him: not but that he was ſhut up, but ſtill upon buſineſs, either of bringing any thing, or ſpeaking with him, there was admittance to him. Touching the point of his having time enough to be at *London*, and back again, while ſhe did not ſee him; the Witneſs declared that ſhe thought he had not; but that ſhe was confident that he did not go. But it was obſerved upon her, that ſhe had ſaid, peradventure he might be away 5 or 6 days; but ſhe ſtill perſiſted, that ſhe was confident he had not been at *London* in the *Interim*.

Mr. *Gavan* contradicts Dr. *Oates's* Evidence, as to his ſpeaking with Mr. *Aſhby*.

Mr. *Gavan* then preſt the Court for liberty of ſpeech, and urged it, that Dr. *Oates* charged him *directly* to have been in Town in *July*, and that he met the Priſoner with Mr. *Aſhby*, who was then in Town; ſo that the Priſoner's being in Town muſt be betwixt Mr. *Aſhby's* coming to Town, and his going out again; which he computed to be a fortnight's time. The Priſoner reaſoning the point, in ſuch ſort, that if he could make it out that he was in *Staffordſhire* from the 15. or 16. of *July* to the end of the *month*, he had then acquitted himſelf. Dr. *Oates* makes it to be either the *Beginning* or *Middle* of *July* that Mr. *Aſhby* came to *Town*, but does not ſwear which; onely he rather inclines to think it was the *Middle*: and while Mr. *Aſhby* was here, Mr. *Gavan* came up, and told the Witneſs that he would go viſit Mr. *Aſhby*.

Mr. *Gavan* proves what he could; and ſwears himſelf Innocent as to the reſt.

Mr. *Gavan* having given Evidence where he was at the *end* of *July*, was now called upon to prove where he was at the *beginning* of the month. But he told the Court that his Witneſſes were not here; and then addreſſed himſelf to the Court to this effect: That being Innocent, it was not poſſible for him to imagine upon what point they would accuſe him; but yet he caſt his thoughts every way, to ſee where he was moſt liable, and what he had ever done that might yield the moſt plauſible pretence for a Charge: and that finding nothing ſo colourable as his being engaged at that *April Conſult*, the Priſoner had provided himſelf at his own Expence with Witneſſes to clear that matter. And now having diſcharged himſelf, by the uſe of all prudential means for his Clearing, and having done it effectually as to the 24. of *April*, upon which the main pretenſion of a Conſpiracy was founded; he caſt himſelf with all ſubmiſſion upon the Honour and Juſtice of the Court, offering proofs that he was not in *London* in *Auguſt*; proteſting ſolemnly, and upon his Salvation, that he was not in *London*; and imprecating upon himſelf moſt Exemplary Judgments from Almighty God, if he were not Innocent.

He offers himſelf to the *Ordeal*.

After this, he offered himſelf to the Court to paſs the *Ordeal*, as a Teſt of his Innocence, which in Capital Caſes was in practice for a thouſand years together, where there was onely the Oath of the Accuſer againſt the denial of the Accuſed. But this Cuſtome being now out, and the

propoſal

proposal favouring of a popular Artifice, it was not allowed him.

Here *Six Witnesses* more are produced for him. Six Witnesses produc'd for him.

The first Witness saw him every day the last Week of *July*.

The second Witness saw him the last Fortnight in *Staffordshire*, as he believes, but cannot positively averr it.

The third Witness, living in the same Town, could not say that he was out of it all *July*; but the last Week he was in the Witnesse's house.

The fourth Witness spake onely to the last Week too.

Mr. *Whitebread* offered in his defence, that Dr. *Oates* failing in his Testimony against *Ireland*, was not *probus Testis*, but *improbus*, and so an incompetent Witness, and not to be credited in one Case, after being convict of Perjury in another; recommending to the Jury, to take notice of it, that he fled from his former Testimony. Where the Prisoner was admonished, that he was gone from the present question: and that there was no Conviction of Perjury without a Record; and to prove it, that Record must be produc'd too. Mr. *Whitebread* will not allow Dr. *Oates* to be *probus Testis*.

Mr. *Harcourt* pressed it, that Mr. *Bedlow*, Mr. *Prance*, Dr. *Oates*, and Mr. *Dugdale*, were men of desperate Fortunes, and Flagitious persons, and that False swearing was their Livelihood; and that these were the men by whom he was charg'd. And then again, if the Evidence on his side should be rejected because they were *Roman Catholicks*, it would be a very hard case in his own particular; and destructive also of common Commerce with other Countries: and it would be vain to call Witnesses, if a *Roman Catholick* should not be taken as a good Evidence. Mr. *Harcourt* reflects upon the Credit of the Witnesses.

Mr. *Harcourt* was here inform'd of his mistake, for *Roman Catholicks* were allowed to be Witnesses, and none refused upon this Triall. *Roman Catholicks* good Evidence.

Mr. *Harcourt* said farther, that Dr. *Oates* charged him one while with paying the 80 *li.* for the *Ruffians* at his Chamber, and another while at *Wild House*; and that he had Witnesses to that point. Dr. *Oates* lays it, that Mr. *Ireland* was by too, whereas the Witnesses were now in Court that would prove him to have been all *August* in *Staffordshire*; producing it in the printed Trialls. But the Print being no Record, and what Dr. *Oates* said before not being the point now in issue, that Suggestion could not avail the Prisoner. Dr. *Oates* denying also that ever he said that *Ireland* and *Harcourt* were together at the paiment of the 80 *li.* to the Villains, and affirming that they were not together. Mr. *Harcourt* charges Dr. *Oates* with Contradictions in his Evidence.

Mr. *Gavan* acknowledged that the proof of his not being in Town was rather a *Negative*, then a *Positive* Evidence: but however, as to Dr. *Oates*'s Testimony, he charg'd the borrowing of 20 *s.* of Mr. *Ireland* upon *September* 2. at which time Mr. *Ireland* was at *Boscobell*. But Dr. *Oates* denied the speaking precisely to the day, and would not be positive whether *first*, *second*, or any certain day; but that, as he remembred, it was the *second*. And so does Mr. *Gavan*.

The Prisoner then produc'd *Pendrell* and *Gifford*, and their *Wives*.

Mr. *Gifford* gave Evidence, that being last Sessions in Court to prove that he saw Mr. *Ireland* upon the 24. and 25. days of *Aug.* in *Staffordshire*, (the day that Dr. *Oates* affirmed he saw him in *London*,) Dr. *Oates* being at a loss upon the particulars, affirmed at last, that he had 20 *s.* of *Ireland*, in Mr. *Harcourt*'s Chamber, on the *first* or *second* of *September*, about the Fast day. Dr. *Oates* said here, that he spake to the best of his memory; and Mr. *Gifford* went on, saying, that he saw him there some other of those days; but that there were divers then in Court that were every day in his company. But they were now upon the wrong Trial again. Mr. *Gifford* gives Evidence against Dr. *Oates*.

Dr. *Oates* informed, that it was not *Ireland*, but *Harcourt*, that he charged with being at *Wild House*, where *Coleman* met him; and that most of the Dr. *Oates* speaks to some mistakes.

the Money was there, and carried back to *Harcourt*'s Chamber, where it was delivered to the man that carried it to *Windsor*; *Coleman* leaving a *Guinny* for the Messenger, but he himself going away before. Dr. *Oates* farther delivered, that Mr. *Fenwick* took leave of Mr. *Ireland*, as going to *S. Omers*, betwixt *August* 8. and 12: but whether they met about the Plot or no, or what they said, he does not remember the particulars. To the Question, whether *Fenwick* had any communication with *Ireland* in *August* for the furtherance of the Plot, Dr. *Oates* gave Evidence that he had.

Eleven Witnesses to prove Mr. *Ireland* in *Staffordshire*.

The Lady *Southcott* was now produced, with her Son, and her Daughter. The Lady *Southcott* informing, that she saw Mr. *Ireland* every day from the 5. of *August* to the 16. wherein she was positively certain.

Sir *John Southcott* was then called, and inform'd, that he knew Mr. *Ireland*'s face, and that he travelled with him from the 5. of *August* to the 9. and saw him severall days afterward, in the whole, at least 12 days.

Mr. *Edward Southcott* then inform'd, that he was in company with Mr. *Ireland*, from the 4. to the 16. but that he was not at his Triall.

Mrs. *Harwell* informed, that she saw Mr. *Ireland* on *August* 17, when he came to her house at *Wolverhampton*, and lodged there every night till the six and twentieth.

Young Mrs. *Harwell* informed the same, from the 17. to the 26. saving that on S. *Bartholmew's Eve* he went to *Litchfield*, and came back again, upon which day she did not see him.

Mr. *Gavan* here offered Evidence of a Prisoner in *Newgate* to the same point, desiring to be instructed, whether a man charg'd with, but not convict of the same Crime, might not be a good Evidence. But he had no encouragement to make use of him.

Elizabeth Keeling inform'd, that she saw Mr. *Ireland* at *Wolverhampton*, from the 17. of *August* to the 19. when she went out of Town; and coming back on *Thursday*, found him there, where he continued till the 26.

Mr. *Pendrell* then informed, that he saw Mr. *Ireland*, *Septemb.* 2. and 3. at *Boscobell*; which he knew by his Wife's book, where she set down the day for his diet, he being with him for his Meals. That the Witnesse kept the *Royall Oak* there: that the Gentleman called himself *Ireland*, and so did others: that he knew him no otherwise, and that he did not see him in *August*.

Mrs. *Pendrell* inform'd, that she knew Mr. *Ireland* onely by report: that she saw him at *Boscobell* in *August* or *September* according to the question, and never before that time: that she knows it was he that suffered, for she was in Town when he died.

Mrs. *Gifford* informed, that Mr. *Ireland* was at *Wolverhampton* from the 17. of *August* to the 26. and that she also saw him *Sept.* 2. 7. 10. and 11. and that her Brother told her it was the same man that was executed. Mr. *Gifford* then in Court declaring, that he saw him in *Staffordshire*, and he saw him die.

Another Mrs. *Gifford* informeth, that she saw Mr. *Ireland* at *Pancrass fair* in *Staffordshire*; that she did not see him suffer; but her Sister shew'd him to her at a Window, saying, That's Mr. *Ireland*; that she saw him Try'd, and found him to be the same man: and that it was *Sept.* 7. that her Sister told her of him.

Mr. *Beadle* informeth, that he saw Mr. *Ireland Sept.* 2. at *Millage* in *Staffordshire*, and that they said it was Mr. *Ireland* the Jesuite: that he never saw him before, and onely supposes him to be the man that suffered: owning himself (upon the question) to be a *Roman Catholick*.

Mr. *Turner* denies his Charge.

Mr. *Turner* represented, that he stood charged with being at *Tixall* (where he had not been in four years) at a Consult in *September*, and demanded

manded who ſaw him there: and it was anſwered, that there was onely Mr. *Dugdale* to witneſs that.

Mr. *Fenwick* produced Captain *Hill* againſt Mr. *Bedlow*; and offered to prove by a Clark of Sir *James Boteler*'s, that he couzen'd a Cuttler of a Silver-hilted ſword. But the Clark being called, and not preſent, nothing was done about it; Mr. *Fenwick* ſtill reproaching him with ſeveral Cheats. His Pardon being objected; the Priſoner replied, that a Pardon did not make a good Witneſs, and pretended to prove ſomething ſince his Pardon.

Capt. *Hill* produc'd: and Mr. *Fenwick* objects ill things done by Mr. *Bedlow*.

Mr. *Whitebread* charges Mr. *Bedlow* with giving Evidence againſt him This Trial, in contradiction to his Declaration that he had nothing to ſay againſt him the Laſt; inſiſting upon it, that the Reaſon now ſuggeſted of his forbearance, was no way intimated at that Trial; and that not ſwearing the whole truth, he had broken his Oath, and is perjur'd. This Objection was left to the Jury. And then Captain *Hill* inform'd onely of Mr. *Bedlow*'s Condition in the *Marſhalſea*; which was found to be of no moment to the matter in queſtion.

Mr. *Whitebread* charges Mr. *Bedlow* with a falſe Oath.

The King's Councell having ſumm'd up the whole proceedings, thus far, into a brief Deduction and Narrative, and ſo laying it before the Jury, the King's Witneſſes were called.

The King's Witneſſes call'd.

Sarah Paine was ſworn, and informed, That paſſing in *Ruſſell-ſtreet* ſhe ſaw Mr. *Ireland* at his own door there, no body with him; that ſhe knew him very well, and then ſaw his Face, and made him a Curteſy: which was about a week after the King went to *Windſor*, the King going thither about the twelfth or thirteenth of *Auguſt*; the Witneſs ſaw *Ireland* about the twentieth. She had lived with Mr. *Grove*, where Mr. *Ireland* came often; and ſhe had carried divers Letters to him.

Sarah Paine ſwears Mr. *Ireland* in Town.

William Walker was ſworn, and informed, That he had known *Titus Oates* a long time, but for above five years he had not ſeen him; onely ſome two years ſince, that he met him in *Newgate-Market*; and after that, in *March* (78) or the beginning of *April*, he ſaw him in a gray Serge Coat, and (as he remembers) a gray Hat, not knowing him, till it came in his head as he was in bed, that this was *Titus Oates*: ſo that he went next morning to enquire of him at a place where he had ſeen him a year before; and the Woman of the houſe cry'd out that *he was an undone man, for he was gone over to the Church of* Rome, *and that ſhe knew not where he was.* The Witneſs telling the Woman, that he ſaw him the day before, about nine or ten in the morning, at the end of S. *Martins Lane* near *Leiceſter Houſe*. He informed, that this was ſome time betwixt the latter end of *March*, and the middle of *April*, and that he ſaw him onely there, and that he look'd as if he were afraid. That he had ſeen him in his Habit a matter of a year before, and not before that, of five years. Which was obſerv'd as a Contradiction to the *S. Omer Evidences*, who would have him beyond Seas *all March*, *April*, and *May*.

Will. Walker ſwears Dr. *Oates* in Town.

Sarah Ives was then ſworn, and confirmed Mr. *Walker*'s coming to her ſhop, and ſaying as aforeſaid. This was *April was twelvemonth*, and about the *Middle* of the month, as ſhe thought.

And ſo does *Sarah Ives*.

Mrs. *Mayo* was ſworn, who informed, that a week before *Whitſuntide*, and in the month of *May*, a Servant of Sir *Richard Barker*'s told the Witneſs, There's Dr. *Oates*, he *has turn'd his Black coat into a White one*: Dr. *Oates* being then in the Court-yard, and the Witneſs in the Kitchin.

And Mrs. *Mayo*.

The Witneſs then asked what he was: and he anſwered, he had been a *Miniſter*, but he was now either a *Quaker*, or a *Catholick*. The Witneſs replying, that he was no *Quaker*, for he wore a *Perriwigg*: when he jearing at him, the Witneſs reprov'd him for it, being a friend of Sir *Richard Barker's*. That Dr. *Oates* came about a week after, and another came with him, and they walk'd into the Garden. That the Ladies of the houſe being ſhy of them, hearing he was turn'd *Jeſuite*, Dr. *Oates* ſeemed diſcontented, that he had not ſo much Reſpect now in the houſe as formerly. That Dr. *Oates* afterwards going into the Garden, Sir *Richard's* Servant told the Witneſs that *Oates* was there again, and had brought one with him: *Prethee look*, (ſays he) *does he not look like a Jeſuite?* But the Witneſs hearing that he came over about the Plot, went to him, and excuſed the Family's Coldneſs to him, when they thought he was a Papiſt: Swearing alſo that Dr. *Oates*, the Witneſs in Court, was the perſon ſhe ſaw there.

And *Philip Page.*

Philip Page was ſworn, and informed, that he had known Dr. *Oates* four or five years; that he ſaw him at Sir *Richard Barker's* about the beginning of *May laſt* 1678; that he ſpake with him then; he was in a light-colour'd Campagne Coat: that he went into the houſe, and then away again, as ſoon as he had enquired for Sir *Richard*. The Witneſs remembers the time, for Sir *Richard* at his houſe at *Iſlington* had a Patient then that was ill of a Fever. (Sir *Richard Barker* inform'd the Court, that it was Mr. *Milver's* Daughter.) The Witneſs being poſitive that it was about that time, and that he ſpake with him; by the token that he had an old flapping black Hat on, and Spaniſh-leather Shoes.

Sir *Richard Barker* heard Dr. *Oates* was in Town.

Sir *Richard Barker* was ſworn, and informed, that about the time given in Evidence, returning out of the Country, he was told that Dr. *Oates* had been at his houſe in a Diſguiſe, as if he were either a *Quaker*, or a *Papiſt*: nay, that they told the Witneſs of two Diſguiſes, the one in ſhort Hair, the other in a long Perriwigg: and that his Coachman, then in Court, told him of it firſt. That the Witneſs falling ſick in that *Interim*, Dr. *Oates* was gone; but came to his houſe after his Recovery, to ask for Dr. *Tongue*, about the latter end of *June*, or beginning of *July*. That the Witneſs had known him from a Child, and ſaw him the laſt Summer, but not till *June*; and that in *June* (as he remembred) he did ſee him: but that his Servants had ſeen him, as they themſelves told him, in *May*, before *Whitſuntide*.

Butler ſaw Dr. *Oates* in *Barbican.*

One *Butler* was ſworn, and informed, that he had three years knowledge of Dr. *Oates*; and that he ſaw him at his Maſter's houſe in *Barbican*, about the beginning of *May laſt was twelvemonth*. That the Witneſs, being Sir *Richard Barker's* Coachman, was cleaning his Coach, and Dr. *Oates* came in, and enquired for Dr. *Tongue*. The Witneſs telling him that he was not within; he ſeem'd much diſcontented, but yet went into the houſe, and preſently out again, and away. He was in gray cloaths like a Shepherd, and his Hair cropt to his ears; but yet the Witneſs knew him ſo ſoon as he ſaw him. That the Witneſs ſaw him ſome ſix weeks after, in a long black Coat and Perriwigg. That he was ſure it was Dr. *Oates*, and that he told his Maſter of it ſoon after.

Mr. *Smith*, at *Iſlington.*

Mr. *Smith* was ſworn, and informed, that he knew Dr. *Oates*, (being Uſher of *Merchant-Taylors School*, and Dr. *Oates* his Scholar there.) That he ſaw him at dinner at his own houſe in *Iſlington*, at the beginning of

of *May* 1678, the *firſt Monday* in *May*, as he remembred: ſwearing this poſitively, and that he was with him three or four hours after dinner, in coloured Ribbands, and a green Knot upon his ſhoulder. That their diſcourſe was about his Travells, and nothing at all about the Times. That he knew he had chang'd his Religion; and that he ſaw him not in two months after.

Mr. *Clay* was ſworn, and informed, that the firſt knowledge he had of Dr. *Oates* was about *April laſt was twelvemonth*, at Mr. *Charles Howard*'s, in a corner of *Old Arundel Houſe*, where he met him by chance upon a Viſit to Mr. *Howard*, as an acquaintance and friend: and that he ſaw him there the ſecond time in *May* alſo; but the day he could not ſay; nor whether he ſaw him afterwards or not: but that Dr. *Oates* in Court was the perſon he ſaw there. Dr. *Oates* offering to the Court, that Mr. *Clay* was a Prieſt in Orders: but that queſtion was not put to him; onely he own'd himſelf to be a Papiſt.

Mr. *Clay* ſaw him at Mr. *Charles Howard*'s.

Mr. *Whitebread*'s plea was, that urging Dr. *Oates* at the laſt Triall, to name any one that he had ſeen in Town, he could not name any body. And ſo likewiſe afterwards, at the Committee, he told that the Priſoner lay privately at *Grove*'s; and the Priſoner can prove that he never lay there at all: and then he was poſitive, that he ſtay'd here but *ſix days*, and ſaw little company. Now the Evidence affirms, that at the *end* of *March*, or the *middle* of *April*, he ſaw him here: and yet Dr. *Oates* himſelf declares, that he paſſed the Sea with *Hilſley*, the twenty fourth of *April*. If he landed in *England* the ſeventeenth of *April*, as is ſaid, and continued here a good part of *May*, how can this ſtand with his being in *England* but *ſix days?* The Priſoners were anſwered, that the preciſe day was not ſo punctually ſworn to: ſo that Dr. *Oates* might be ſeen here the *latter end* of *April*, and the *beginning* of *May*, and yet his Teſtimony ſtand good.

Mr. *Whitebread* preſſes Dr. *Oates*'s ſeveral Contradictions.

Mr. *Gavan* offered to the Court, that the Evidence againſt them ſpake onely to one or two particular days; one to his Dining with him, and another to his Diſguiſe: and that in the very Evidence there was a manifeſt Contradiction; for he could not come over with *Hilſley*, as he ſaid he did, and appear here in *May*, and all this within ſix days. That it might be farther conſidered alſo, the diſproportion in the Number of the Witneſſes; ſixteen for the Priſoners, and ſuch as converſed with Dr. *Oates* every day. Or allowing that a leſs Number for the King ſhould weigh down a greater Number on the part of the Priſoners, the Exception to his Evidence about the *Rectour of Liege*, Sir *John Warner*, and Sir *Thomas Preſton*, remains yet untouch'd. Or ſuppoſing a Miſtake in what concerns Dr. *Oates*'s being at *S. Omers*, there are yet *ſix* that prove he has ſworn falſe. And the Priſoner humbly repreſented, that no body ought to be condemned but upon two ſufficient Witneſſes. And after all, that Mr. *Ireland* was prov'd to have been out of *London*, from *Auguſt* 3. to *September* 14. by at leaſt 16 *Staffordſhire* Witneſſes. Which two points remain without Anſwer: for Dr. *Oates* ſays that he was with him here *Auguſt* 12. when they agree that he was in *Staffordſhire*. As to the Maid, ſhe onely ſays that ſhe *ſaw* him, without *ſpeaking* to him. The Priſoner here appealing to the Honour and Conſcience of the Court, how far to believe a Witneſs that hath even in one point falſify'd. And then there is Sir *John Southcott*, and *his Family*, that give an account of Mr. *Ireland* in the Country from *Auguſt* 5. to the 19. (which was after the preciſe day that the Maid ſpeaks of in *London*. There are *ſeven* or *eight* of them

Mr. *Gavan* ſumms up his whole defence: inſiſting upon the Incompetency of the Evidence againſt him; the Improbability of things; and their Diſagreements among themſelves.

them that agree upon the ſeeing of him from the *firſt* day to the *laſt*.

And whereas it is objected in the buſineſs of *July*, that the Priſoner's Witneſſes ſpeak poſitively onely to the *laſt week*; the Priſoner offers, that they rather incline to think him there the other weeks alſo then not; and that being ſhut up in the Laſt, they took a more particular notice of him.

He minded the Court alſo of the Evidence of Mr. *Aſhby*'s coming to Town about *Mid-July*, and of the Priſoner's coming likewiſe within the fortnight which Mr. *Aſhby* ſtaid; and of the Priſoner's ſaying he would wait upon Father *Aſhby*; where the diſcourſe paſt that he ſpeaks of: adding, that he is neither *prov'd* to have been at the *Great Conſult*, nor *Capable* of it; appealing to Mr. *Harcourt* and the *reſt*, whether he were there or not, and upon the word of a dying man denying it.

As to the Priſoner's name being to it, (which is laid in *July*) he proves himſelf in *Staffordſhire* the *laſt Week* of that Month, and has Evidences of being there till the 14. and the *laſt Week*; which he hoped would be conſidered.

He mov'd farther, whether ſtanding accuſed by one Witneſs, about one Fact in *London*, and by another, concerning another Fact in *Staffordſhire*, theſe two Witneſſes are to be reckoned good in Law. But this being already reſolved in Sir *Henry Vane*'s Caſe, where ſeverall Witneſſes prov'd ſeverall Facts in ſeverall Countries, and yet all overt Acts of one and the ſame Treaſon; Mr. *Gavan* ſuggeſted, that Serjeant *Rolls* was of another Opinion.

Mr. *Gavan*'s ſecond Plea was grounded upon the Circumſtances of *Credible Witneſſes*, and of *Clear Evidence*; but that in his Caſe there was neither the one, nor the other; and therefore that he ought not to be convicted by ſuch a Witneſs, and upon ſuch an Evidence. Wherein the Court informed him, that they were *Lawfull Witneſſes*, becauſe not convict of any crime to deſtroy their Teſtimony: and for the *Credibility* of them, that was left to the *Jury*. Whereupon the Priſoner addreſſed himſelf to the *Jury* to this following effect.

His application to the *Jury*.

He urges the Inſufficiency of D. *Oates*'s Teſtimony.

That his Life was in their hands: That he was not at the Conſult, nor of age to be there: That to the making of a *Credible Witneſs*, there muſt be *Integrity of Life*, and *Truth of Teſtimony:* That Dr. *Oates* was turned out of *S. Omers* as a Perſon of ill Moralls: That in Sir *John Warner*'s, Sir *Thomas Preſton*'s, and the buſineſs of Mr. *Ireland*'s being here *Auguſt* 12. he is unanſwerably diſprov'd: And that though he be not convicted of Perjury, he might have been; ſo that there was enough before them to ſhake his Teſtimony. And then in Mr. *Ireland*'s buſineſs, betwixt *Auguſt* 8. and 12. how many Proofs of his being in *Staffordſhire*, to one Woman that ſays ſhe ſaw him in Town? Sixteen Witneſſes that were daily in his company that affirm'd the contrary. He inculcated over again the buſineſs of the *S. Omers* Witneſſes; fixteen, to three or four: the Contradiction of Dr. *Oates* his coming over with *Hilſley*, and ſtaying but ſix days; with the Evidence that ſaw him in Town *April* and *May*; his being at *Wolverhampton* from *July* 16. upwards.

Denies any Conſpiracy with Mr. *Dugdale*.

As to Mr. *Dugdale*, he had the knowledge of him five or ſix years; ſeverall diſcourſes with him, but none Treaſonous, upon his Salvation: And that he came away from his Lord after he had embezelled 300 *li.* of his Money.

That

That he (Mr. *Gavan*) had been twenty weeks a Prisoner, without the means of sending for Witnesses. Concluding with an Asseveration of his Innocence, *as he hoped to see the face of God*, and with a Prayer for the King and the Court. Mykes protestation of his Innocence.

Mr. *Whitebread* minded the Court of an excellent observation made upon that rank and dangerous Letter, which Mr. *Dugdale* pretends to have intercepted from the Prisoner to Mr. *Ewers*; That *none but a Mad-man would send such a Letter by the Post.* And so he recommended the Improbability of it to the Jury.

Mr. *Fenwick* desired the Court and Jury to consider the Evidences on both sides. The one spake to the *whole time*, upon a *daily Conversation*; the other, onely to *this* or *that day*, or seeing Dr. *Oates* in a *Disguise*: on the one side, so many Youths train'd up in Vertue; and on the other, a beggerly sort of people, that might be drawn in to mend their fortunes by their Evidence. His Testimony then is false as to Sir *John Warner*, Mr. *Williams*, and Sir *Thomas Preston*; for they came not over with him. Or suppose the Witnesses to be Equal, what support has he for his Evidence? Such and such Letters he pretends from Mr. *Whitebread*; which if it were true, the Prisoners deserved to be hang'd for *Fools*, as well as for *Knaves*, for trusting a Creature that they never had any Esteem for, and who was Expelled the Colledge. Mr. *Fenwick* arraigns Dr. *Oates*'s Evidence.

And then for the Commissions and Letters he speaks of, 'tis almost a year that this Discovery hath been afoot, and thousands of Letters seiz'd: and yet not one Commission appears; not one penny of mony, or any order for it; no Arms found; nor out of all these Letters any thing discovered towards this *Design*. And for all the Writings signed, which he says were hundreds, from one Consult to another, there is not one single paper produced in confirmation of it. Ending in these words, There is no Reason brought among them all, but *Saying* and *Swearing*; and that I'll stand by. Thousands of Letters seiz'd, and no Treason in them: nor One Commission found in all their Searches.

Mr. *Whitebread* told the Court and Jury, that whereas Dr. *Oates* charg'd him with *beating of him*; *First*, the Prisoner neither was, nor ever had been a Fighting man: and he appeal'd to their Considerations, how he should dare to strike a person, whom he had made privy to so Dangerous a Secret. Reflecting then upon the strangeness of the thing, that so many Eminent persons should be concerned in it, the Plot discovered, and yet no footsteps of it appear. And so he recommended himself to God, and the Jury. Mr. *Whitebread* offers to the *Jury*, how he should dare to strike Dr. *Oates*, if he had his Life at his mercy.

Mr. *Harcourt* then declared, that being now arrived at *Seventy years of age*, this was the first time in his whole Life that he had been accused before a Magistrate: But that a Negative cannot be proved; and that there was no Evidence against them, but downright *Swearing*.

Mr. *Fenwick* was about to pass a Reflection upon the Life and Conversation of the Witnesses; but bringing no proof, he put an end to the discourse.

Mr. *Turner* being demanded what he had to say, he did ask, if it were reasonable to admit of those people to an *Oath* in *Evidence*, who for Scandall were debarr'd the *Sacrament*; as he would prove by one *Hastings*. But he being called, and not appearing, the Court proceeded to give directions to the Jury: wherein the Evidences were so fully and distinctly summ'd up by my Lord Chief Justice, that there was nothing to be added to them. Mr. *Turner* excepted to Dr. *Oates*'s Evidence.

All the Priſoners found guilty.

The Jury were then ſent out to conſider of their Verdict; and after about a quarter of an hour, they returned, and found all the Priſoners *Guilty of the High Treaſon whereof they ſtood Indicted.* And after a ſhort and pithy Speech of the Recorder to the Jury, they were remanded to *Newgate*, and the Court adjourned till next Morning.

THE

THE

HISTORY

OF THE

CHARGE and DEFENCE

OF

Richard Langhorn Esq;

UPON *June* 14. 1679. Mr. *Richard Langhorn* was brought to his Trial at the *Sessions-house* in the *Old Bayly*, according to an Adjournment of the day before; standing Indicted of *High Treason*, for contriving the *Death of the King*, the Subversion of the *Protestant Religion*, and of the *Establisht Government*. He pleaded *Not guilty* to the Indictment. The Jury was sworn without any Challenge. The King's Councell open'd the Charge, and so the Court entred upon the Trial; beginning with some Evidences upon the main Design.

Mr. *Langhorn* brought to his Trial.

Mr. *Dugdale* and Mr. *Prance* were both sworn: and Mr. *Dugdale* spake first to the Plot upon the *Life of the King*; declaring, that he himself had been engaged in divers Consultations for the Destruction of His Majesty, and of the present Government, and for bringing in of *Popery*. That being at most of their Meetings, he heard these very Expressions us'd; and was tempted with Reward to be Instrumental in it, and to kill the King. The men that put him upon it were all Jesuits, as Mr. *Ewers*, Mr. *Gavan*, Mr. *Leveson*, and *Va vasour*.

Mr. *Dugdale* swears to the *General Plot*.

An *Army* to be set afoot upon the *Killing* of the *King*.

That upon the Killing of the King, they were to be ready with an Army, but not before: though at first it was resolved to raise an Army out of hand.

They had some thoughts of beginning with a *Massacre*, and then to cut off those that scap'd with an Army; but this Witness did not hear of any certain number resolved upon. These Consultations were at *Tixal*, *Boscobel*, my Lord *Aston's*, and Mr. *Gerrard's*; all in *Staffordshire*: And the *Protestants* were to be destroy'd in the first place.

Some thoughts of a *Massacre*.

Touching Sir *Edmundbury Godfry's* Death, *Harcourt* wrote a Letter to *Ewers*, that began thus, *This very Night Sir* Edmundbury Godfry *is dispatch'd*; and more to that purpose. The Witness sayingt hus to Mr. *Ewers* about it; *I'll be hang'd if this don't spoil the Design*: whose answer was, that he was a great Enemy of Loose people, and it would be judg'd some of them had done it in Revenge. The Letter was received upon *Monday* night, and dated on *Saturday*.

A Letter concerning Sir *Edmundbury Godfry's* murther.

Mr. *Prance* declared, that one Mr. *Messenger* was engaged by the Lord *Arundell* of *Wardour* and the Lord *Powis*, to murther the *King*; and was promised a considerable Reward, as my Lord's Butler told this Witness: who afterwards meeting with *Messenger*, and asking him why he would do it; his Answer was, *that he was off on't now*.

Mr. *Prance* swears to the *General Plot*.

The King being dispatch'd, 50000 men were forthwith to be raised, as *Fenwick*, *Ireland*, and *Grove* said in the Witnesse's hearing, being all together. That this Army was to set up the *Romish Religion*, and all the *Protestants* to be destroyed: the Lords *Arundell* and *Powis* to command these Forces. And he says, that one *Harcourt* (twice, at his Chamber in *Dukes-street*) told him, that there were several to kill His Majesty. This was in the hearing of one Mr. *Thompson*: and M. *Fenwick* told the Witness, that M. *Langhorn* was deeply concerned in't; and that was all the Witness knew.

An *Army* of 50000 to be set on foot upon the *killing* of the *King*.

Dr. *Oates* was then sworn, and this is the summe of his Evidence. That returning out of *Spain* into *England* in *November* 1677, he brought Mr. *Langhorn*

Dr. *Oates* sworn.

His acquaintance and communication with M. *Langhorn.*

Langhorn Letters from two *Sons* that he had in *Spain*, in *Engliſh Colledges*; the one at *Madrid*, the other at *Valladolid*. He delivered the Letters within a day or two after his arrivall, to Mr. *Langhorn*, at his Chamber in the *Middle Temple*; who treated the Witneſs very reſpectfully: and upon telling him that the Witneſs thought his Sons would enter themſelves into the Society, Mr. *Langhorn* (ſtanding that way affected himſelf) was very glad of it; for *matters would not hold long in* England *as they were*, (he ſaid) and that if they kept themſelves in the world, they might quickly come to great preferment in *England*.

His ſecond Meeting with Mr. *Langhorn.*

The Witneſs was once more with Mr. *Langhorn* before his coming to *S. Omers*, (which was in *November old ſtile*, *December new*,) when he gave him a Pacquet of Letters to carry with him. In this Pacquet was a Letter of Thanks to the Fathers at *S. Omers*, for their kindneſs to his Sons in their journey for *Spain*; and promiſing the repayment of twenty pound which they had furniſhed his Sons with upon their paſſage. This Letter was ſubſcribed *Richard Langhorn*, and it made mention of one written to Father *Le Chaiſe*, *in order to our Concerns.* (Theſe were the very words.) Now the Letter to *Le Chaiſe* this Witneſs did not ſee, but onely the other that took notice of it: and he ſaid, that Mr. *Coleman* having written to him at large, he ſhould not trouble his Reverence with many words at that time.

Dr. *Oates* charges Mr. *Langhorn* with dangerous Words.

The Witneſs remembers alſo another Letter, either in *March*, or *April*, (he could not ſay which) wherein Mr. *Langhorn* (among divers ill paſſages) expreſſed a wonderfull Zeal for the *Catholick Deſign*; and ſaying that the *Parliament* began to cool in the buſineſs of the *Proteſtant Religion*; and that now was the time to give the *Blow*: That was the word (*the Blow*;) but the Letter was too large to give a particular account of.

Mr. *Langhorn*'s prayer for the ſucceſs of the *Deſign.*

Dr. *Oates* minded the Court of the *Conſult* here in *April*. The Witneſs and divers others came from *S. Omers*, and other parts, to that *Conſult*. Mr. *Langhorn* himſelf was not at it; but the Witneſs was ordered by the Provinciall to tell Mr. *Langhorn* from time to time what paſſed there: and upon the report the Witneſs made him of their proceedings, Mr. *Langhorn*, with his hands and eyes up to Heaven, *prayed God to proſper them.*

Dr. *Oates*'s report to Mr. *Langhorn.*

The ſumme of the Witneſſe's Report to Mr. *Langhorn* was this, That *Cary* was to go Procurator to *Rome*: That they had concluded upon the Death of the King: that *Pickering* and *Grove* were to attempt the *King's perſon*; 1500 *li.* to *Grove*, and 30000 *Maſſes* to *Pickering*, to be the Reward. He told him alſo, that they had all ſigned the *Agreement*. And this paſt a day or two after the ſigning of it.

He ſwears *Commiſſions* lying upon Mr. *Langhorn*'s Study-Table, ſix, or eight.

The Witneſs ſwears that there were at that time divers Parchments lying upon Mr. *Langhorn*'s *Study-Table*, which he found to be *Commiſſions* for the Ls. *Arundell* of *Wardour*, *Powis*, *Bellaſis*, and *Petre*; to be *Chancellour*, *Treaſurer*, *General*, *Lieutenant-General*. That there was one for *Coleman* to be *Secretary of State*, and another for Mr. *Langhorn* to be *Advocate* of the *Army*. They were Authoriz'd by a Brief from the Pope, directed to the General of the Society; with the Jeſuits Croſs upon them, and ſigned, *Johannes Paulus de Oliva.*

Commiſſions upon a corner of Mr. *Langhorn*'s Desk, folded up. Mr. *Langhorn* ſhew'd the Witneſs the *Commiſſions.*

The Witneſs being demanded, if they lay *Open*; he told the Court, that they lay upon a Corner of a *Desk folded up*, and that he came to take notice of them, by having information from one Father *Anderton*, that theſe *Patents* (as he call'd them) were come; whereupon the Witneſs ſpake of them to Mr. *Langhorn*, and upon his deſire, he let the Witneſſe have the ſight of them; who remembers that there was One more, for a Son of the Lord *Arundell*, and ſomething for the Lord *Stafford* too, concerning the Army. The Witneſs ſaw ſeverall of theſe Commiſſions, and the greater part of them in Mr. *Langhorn*'s Study; but he could not ſay *all*. The Priſoner told the Witneſs, that for Inferiour Officers and all, there were about 50; but a matter of 6 or 8 were all that the Witneſs ſaw.

Dr. *Oates*

Dr. *Oates* Swears, that in *April* and *May* he saw the Answer to several of Mr. *Langhorn*'s Letters to *La Chaise*; and that the Fathers desiring to have the Originals, Mr. *Langhorne* delivered them to this Witness, who carried them to the Fathers. They came from the *Fathers*, *La Chaise*, (Confessor to the *French King*) and *Anderton*, (Rector of the Colledge at *Rome*.) The Witness saw them in Mr. *Langhornes* custody; but he cannot say that they were directed to him: The substance of *La Chaise's* was, to assure them of his Firmness to the *English Society*, and that the *French King* would assist them for the Advancing of the Cause.

La Chaise's Letters in Answer to *Langhorne* shew'd to this Witness.

That Mr. *Langhorne* (being the *Jesuits Sollicitor*) went with *Harcourt*, *Fenwick*, *Keines* and *Langworth* to the *Benedictine Monks*, to desire their Aid towards the work: and the Witness hath heard, that at the Prisoners Instance they contributed 6000 pounds; which was by them paid to the Society; and Mr. *Langhorne* was said to have received it, toward the *Murther* of the KING, and the Change of Religion. This Witness did not see the payment of the Money; but about *July*, or *August*, he heard Mr. *Langhorne* say, discoursing of it, that he would do what he could towards the getting of it; and how troubled he was, That Sir *George Wakeman* made such a difficulty of accepting of *Ten thousand pounds* for poysoning the King: Adding, That it was a publick work, and a Body would have done it for Nothing; but that he was a very Covetous and Narrow-soul'd-man.

Langhorne charg'd by the Witness with getting 6000 *l.* of the *Benedictines*, toward the *Plot*.

A Writing under the *Jesuits Seal* being shew'd in Court to Mr. *Oates*, he presently declared, That to be the very *hand* which was to the other, and just such a Seal.

Several Questions being put to the Witness, by, or in the name of the Prisoner, Dr. *Oates* Answer'd, That he went towards St. *Omers* at the *latter end* of *November*, and that he arrived there about the *tenth* of *December*, *New style*; That he went in the *Dover-Coach*, and stayed there till *April* following, without stirring from thence: saving only, that he went to *Paris*, and was a Night or two at *Watton*, and then came away in *April*: whether about the *middle*, or *latter end*, he could not say: but he was in *England* under *Twenty days*.

When, and How Dr. *Oates* went to St. *Omers*; and who came over with him back.

There came over with him *Nine* or *ten* in all; as Father *Williams*, Father *March*, the *Rector* of *Liege*, Sir *John Warner*: and that he could not name any more. The Prisoner objecting to him, that the Names of all the rest were in the Record of the Lords-house; Dr. *Oates* referred him to the Record. The Prisoner ask'd him also, If Sr. *Tho. Preston* and *Poole* came over with him? and the Witness said, they did.

Dr. *Oates* stay'd in *England* at his Return, under 20 days.

To the Objection, that this was but a Repetition of what was proved the day before, the Prisoner humbly offered, That the Trial of the day before was in *another County*, and by *another Jury*, and therefore he presumed, in his own defence, to urge this; in which liberty he was not debarr'd.

The Prisoner allow'd all freedom of Defence, asks several Questions.

The Witness said also, that he thought Sir *Robert Brett* was there. The Prisoner express'd the drift of his Questions to be only this; to see if Dr. *Oates* would now affirm what he swore in the Lords House: Dr. *Oates* telling him, that he might produce that Record; and the Court allowing, that a sworn Copy of that Record would be good Evidence.

A sworn Copy of a *Record*, in the Lords House, admitted to be good Evidence.

The Priſoner ask'd, if the Witneſs came from *Dover* by *Coach*, or on *Horſeback*? Dr. *Oates* replied that it was a ſudden queſtion, but that as he remembers, he came by *Coach*. The Priſoner then giving the Reaſon of his Queſtion; becauſe upon a Trial at the *Kings Bench*, the Witneſs ſaid he came in a Coach with Mr. *Hilſley*; Mr. *Oates* declaring, that they came over together in the Boat, but upon Landing they parted.

Dr. *Oates* came over with *Hilsley*; and ſo from *Dover* by Coach: but Mr. *Hilsley* parted from him.

Mr. *Langhorne* ask'd him, where he lodged at his coming into Town? and his Anſwer was, that when he came in *April*, he lay at Mr. *Groves*: but being ask'd where he lay the firſt night, Dr. *Oates* could not ſpeak certainly to that; but in general, that he lay there, and as he remembers ſome *three* or *four* nights.

Dr. *Oates* could not ſay where he lay in *London* the firſt night after his Return: But in general, that he lay at Mr. *Groves*'s.

† Dr. *Oates* ſwears, that he acquainted Mr. *Langhorne* with the *Conſult* within a day or two after it; that he returned to St. *Omers*, as he believ'd, the *firſt week* in *May*. And being then told, that he had ſaid the day before, that his ſtay there was but *ſix days*; he ſaid that was a miſtake, for he ſaid, *under twenty*.

† Dr. *Oates* did not ſay *ſix* days, but under *twenty*.

* The Priſoner demanded, if Dr. *Oates* ſaw him write thoſe Letters he ſpake of? He ſaid *No*; but he knew his hand, for he ſaw an Order of his for the paying of Money to his Sons, and the Money was paid upon that Order.

† Dr. *Oates* proves *Langhorne*'s hand, having formerly ſeen an Order from him for payment of Money.

† The Priſoner demanded, if he could ſay that *La Chaiſe*, or *Anderton* ever wrote to him? to which Dr. *Oates* Anſwer'd, That he had Letters ſubſcribed with their Names, and that *Langhorne* himſelf told him that they came from them; and that they were to be imparted to *Prieſts* and *Jeſuites*; and that he delivered thoſe Letters to the Witneſs to that end.

† Dr. *Oates* proves Letters from *La Chaiſe* to *Langhorne*, upon his own Confeſſion.

* The Priſoner deſired to know, how long he ſtaid at St. *Omers*? Dr. *Oates* told him, till *June* 23 *New ſtyle*. The Priſoner then demanded, (ſeeing him to be come over from the Church of *Rome* to the Church of *England*) when it was that he went over from the Church of *England* to that of *Rome*; and if he was then Beneficed? The *Time*, Dr. *Oates* told him, was in *February* or *March* 167⅞, and that he was for ſome time in a Vicaridge at *Bobbing* in *Kent*: and that he came to that Vicaridge in 1672. Mr. *Langhorne* taking notice that he turn'd Papiſt in 1677, ask'd him whether or no he had left his Living firſt? Dr. *Oates* anſwer'd, That he had left the place not very long before; for the Air did not agree with him: beſides, that he had other private Reaſons for leaving it.

* Mr. *Langhorne* puts queſtions about Dr. *Oates*'s Religion.

Mr. *Langhorne* ask'd, if turning *Papiſt* he became a *Jeſuite* alſo; becauſe he ſays in his *Narrative*, *There came nine of us over, All Jeſuites*? The Court told him firſt, that it was not a fair Queſtion; and then, that what he offered was no Evidence.

And whether a *Jeſuite*, or not.

† The Priſoner then ask'd the Witneſs, if he had ever been in his Company ſince that buſineſs in his Chamber of the *Conſult* and *Commiſſions*? Dr. *Oates* made anſwer, he had been twice with him about the time of the *Conſult*, and twice or thrice after his coming over again.

† Dr. *Oates* had been with Mr. *Langhorne* four or five times.

Mr. Bedloe

Mr. Bedloe *is Sworn.*

MR. *Bedloe* declares upon a queſtion concerning a Writing ſigned by the *Superiour* of the *Jeſuites*, that he had it at Mr. *Daniel Arthurs*; and that finding it to agree with the Hand and Seal that he had obſerved upon Commiſſions in *Paris*, he preſented it to the Council.

Mr. *Bedloes* opinion about the Hand and Seal of a *Commiſſion* from *Rome*.

[*Let the Reader obſerve here, that this was a buſineſs only of a private Concern.*]

The Witneſs ſwears to this effect: That he had no familiarity with Mr. *Langhorne*; but ſome *three* years ſince, being entruſted by Mr. *Harcourt* and *Coleman* with certain Letters to *La Chaiſe*; Mr. *Coleman* carried him to Mr. *Langhorne*'s Chamber, who there Entred them; and they were then ſealed up by Mr. *Coleman*, who delivered them to the VVitneſs to carry them: The Letters being written at Mr. *Colemans*, and only Regiſtred by Mr. *Langhorne*. Some of theſe Letters were read in Court at Mr. *Colemans Trial*.

Mr. *Bedloe* ſets forth Mr. *Langhorne*'s Correſpondences, *abroad*.

The ſcope of them was only to inform *La Chaiſe*, that he wanted nothing but Money now in *England* to accompliſh the work; and to learn what ſupplies they might expect from *France*. That the Catholicks were ſafe in *England*; all places of Truſt in their hands, or at leaſt, in ſuch as were well inclined: and that, conſidering the conjuncture of the preſent Power of the *French King*, and a general diſpoſition of Circumſtances here, there never was ſo fair an occaſion of accompliſhing their ends. This was to Father *Stapylton* in *Engliſh*: But the other to the *Nuncio*, and *La Chaiſe*, were in *French*, and to the ſame purpoſe.

And the ſcope of his Letters.

Mr. *Langhorne* Copied theſe before the Witneſs: He went into his Study, and wrote while Mr. *Coleman* and the Witneſs walked in the Chamber. The Witneſs declared, that there was not a penny of Money in this buſineſs, but ſome way or other paſt his Accounts. The Witneſs cannot ſay that ever Mr. *Langhorne* ſpake to him expreſsly of the *Kings death*, but only of the *Main deſign*.

Mr. *Langhorn* charg'd with makeing Entries of the aforeſaid Letters.

The Witneſs was with him a *ſecond* time, about a year and half ſince, and it was from *Harcourt*, for the Regiſtring of another pacquet of Letters. He took the Pacquet, and without much heeding the Meſſenger, ſent word to Mr. *Harcourt*, that Mr. *Williams* (a Name that this Witneſs was known by) had brought him ſome Letters; which he would return again the next day, as ſoon as he had Coppy'd them. That Mr. *Harcourt* ſhew'd this Witneſs the Anſwer: In this Pacquet there were two Letters, one (ſays the VVitneſs) that he brought out of *Spain* from Sir *William Godolphin*, directed to the Lord *Bellaſſis*, which was ſent to Mr. *Langhorne* ſome three weeks after to be Entred: the Other, from the *Iriſh Jeſuites* in *Salamanca*, directing that the reſt of the Lords concerned, and the whole *Popiſh Party* in *England* ſhould be in readineſs; for they had now gotten ſome *Iriſh* caſheer'd Souldiers that ſhould be laid to embarque at the *Groyn*, under the colour of *Pilgrims*, and then to Land at *Milford Haven*; where (as the VVitneſs ſaid) the Lord *Powis* would have a conſiderable body of Men to help forward the deſign. The Priſoner Enter'd *Colemans* Letters into a large *Parchment Book*, but the VVitneſs did not ſee him Enter the *Other*: The Book ſeem'd at leaſt *three Inches* thick, and that two thirds of it were filled.

Mr. *Bedlow* opens the method of the Confederacy.

Iriſh Caſheer'd *Souldiers* to embarque as *Pilgrims*.

Pritchard

Mr. *Bedloe* told, that *Langhorne* had the *Commissions*.

Pritchard telling the VVitness, that the Commissions were in Mr. *Langhornes* hand, and every thing now ready; the VVitness asking about His *Commission*, *Pritchard* made answer, that Mr. *Langhornes Commissions* were only for the *General Officers*: And that the VVitness must have his from the Lord *Bellassis*.

Money from the *Benedictines*.

As to the Money to be advanced by the *Benedictine Monks*, the VVitness says, that in the Pacquet to *La Chaise* of *May* 1676 there was a Letter inclosed to Mr. *Stapylton* (a *Benedictine Monk*) to furnish the Money they had promised: The Sum was not named, but the VVitness says that *La Chaise* told him, that the *French King* was sure enough, and the Money not to be doubted. Nay, that *part* of it was already sent over to *Coleman*, and *Ireland*; and the *rest* should follow so soon as they were ready for it. The VVitness declares, that he never discoursed with Mr. *Langhorne* about *Commissions*, nor ever saw any in his hand, only *Pritchard* told it to this VVitness But that Sr. *Henry Tichburne* at *Paris* shewed the VVitness three *Commissions*, signed and seal'd in form, which made him take so much notice of the writing produced this day in Court of Mr. *Arthurs*, having the same Hand and Seal to it.

Mr. *Bedloe* deposes the minutes of the *Result* to be enter'd by *Langhorne*.

How far Mr. *Langhorne* was privy to the treachery of *Pickering*, and *Grove*, this VVitness cannot say: But Mr. *Harcourt* told the VVitness upon a particular occasion, that he was going to Mr. *Langhornes* to Enter the Minutes of that Mornings resolution; which was a *Result* for the dispatch of those people to *New Market* that were to Murther the King. But *hearsay* being no Evidence, Mr. *Bedloe* was Examined what he remembred out of any Letter that he saw Mr. *Langhorne* transcribe: And so he informed the Court, that in a Letter of 1676, an Account was desired of the *Religious* at *Douay* and *Paris*, what progress they had made with the rest of their Friends, towards the furnishing of *Money*; for the *Hearts* and *Arms* of the *English* were ready; the *Garrisons* plac'd in good hands, and nothing but *Money* wanting. There were *three* of these Letters transcribed by Mr. *Langhorne*: *One* to *La Chaise*, *another* to the *Popes Nuntio*, and a *third* to the *English Monks* at *Paris*. There were in these Letters expressions of *Arms* and *Garrisons*; and in that to *La Chaise*, an Invitation of the Assistance of the *French*. The Letter it self did not mention the destruction of the *King*, and of the *Protestant Religion*; but Mr. *Langhornes* and Mr. *Colemans* discourse expounded the meaning of it, and that it was to overthrow the *Government*, and set up *Popery*; and they did also lay their heads together after the Letters were transcribed. Here Mr. *Langhorne* asked, if this were all that Mr. *Bedloe* had to charge upon him? whose Answer was, that he thought of no more at present, but something else might come into his mind hereafter.

Nothing wanting, but *Money*.

Eight hundred thousand Crowns to be remitted from *Rome*.

Dr. *Oates* now minded the Court of one thing which he had forgotten: There were 800000 Crowns (he said) as a Contribution from the Congregation at *Rome* to be remitted into *England*: Mr. *Langhorne* was inquisitive after this Money, having advice that it was received in *France*; and Mr. *Langhorne* himself told Father *Harcourt*, *Keines* and *Fenwick*, in *July* or *August*, that the Money was lodg'd in *France*.

Keines told the Witness of a Chiding Letter from *Barbarini*.

Mr. *Bedloe* also recollected himself, that *Keines* told him one day, *I must go immediately to Mr.* Langhorne; and when he returned afterward, with a Letter in his hand, he told the VVitness that *Cardinal Barbarini* had sent Mr. *Langhorne* a Chiding Letter, for slipping their opportunities, and making no more hast. This VVitness did not see the Letter, but *Keines* told him the tenour of it; and that he had it from Mr. *Langhorne*.

These VVitnesses having delivered their Evidence, the Prisoner desired they might not depart the Court.

A Discourse about Four *Irish-men.*

Thomas Busse declares, that in *September* last, drinking with an old Acquaintance that was newly come out of *Italy*, and just going over again, one *Anthony* being in the Company; *You must have a special care* (says he to *Anthony*) *of those four worthy Gentlemen that I brought over with me. What* (said this VVitness) *from* Italy? *No* (says he) *but they are four worthy* Irish *Gentlemen, that will do our business.* This VVitness neither asking any Question, nor heeding the matter till *Colemans* Trial, that speaks of the *Irish* Men that were to attempt the King at *Windsor*; and then he reflected upon it. He that spake it, had some Relation to the *Benedictine Monks* in the *Savoy*; and *Anthony* was something about the *Queens Chappel*; both of them *strong Papists.* So that an Order was granted, with all Reverence to her Majesty, for the enquiring after *Antonio*, *Hankinson* being gone again beyond Sea before.

To the Prisoners Question about the Witnesses *Pardons*, Mr. *Bedloe* had *Three*, and Mr. *Oates Two.*

Mr. *Langhorn* offered to the *Court*, that the two VVitnesses against him were *parties* in the Crime charged upon him; and he desired to know, whether they had their Pardon, or not? Mr. *Bedloe* made Answer, that he had *Three*; and Dr. *Oates*, that he had *Two*, under the *Broad Seal:* Mr. *Bedloe* saying, that he gave no Evidence till he had it. It was declared that they were Witnesses, whether they had or not; or otherwise, that they should not have been admitted. Mr. *Langhorne* however remitted himself to the *Court*, as to his Councel, *Whether having had their Pardons, they might not fall under the same prospect in Law with an Approver; not as directly being Approvers, but under some Equivalence of Reason with them.* If the *Approver* be pardon'd, the *Appellee* ought also to be discharged: it seems hard that those that were *Participes Criminis*, and having now got their Pardons, should be admitted for allowable VVitnesses against the Prisoner.

To Mr. *Langhorne's* Objection, that the Witness had a Reward, Dr. *Oates* prov'd the contrary: and that he was 6 or 700 *l.* out of pocket. *Mr. *Bedloe* to the same Question answers that he was 700 *l.* out of purse. The paint of the *Approver* over-rul'd.

Mr. *Langhorne* desired also to know, if they had either received, or if they did not expect gratifications or Rewards for their discoveries? Dr. *Oates*, to acquit himself, declared that *he had been Rewarded by expending Six or seven hundred pounds out of his own Pocket, without knowing whether ever he should see it again.* Mr. *Langhorne* said, that a Prisoner (Mr. *Reading*) told him Mr. *Bedlow* had received *Five hundred pounds.* To which it was Answer'd, that first, Mr. *Reading* was an Incompetent VVitness; and secondly, his 500 *l.* was for the discovery of Sir *Edmondb. Godfreys* Murther; not for the *Plot.* *Mr. *Bedlow* affirmed, that he was so far from gaining by his Discovery, that he was *Seven hundred pounds* out of pocket.

As to the *Approver* the Court told him, he was ever allowed maintenance, and there must be a proof of corrupt Contract, or Subornation, to invalidate a *Witness.* Mr. *Langhorne* gave the *Court* the Reason of pressing this, for though it might be very prudential to invite any man to come in by the promise of a Reward towards the discovery of a *Plot*, where such a person absents himself; yet it seems very hard, that when a man is once in Custody, VVitnesses should be call'd in against him by such means: The Prisoner was here advised to speak first to the *Fact*, and afterwards to the *Witnesses.* The Prisoner, upon this, represented to the Court, that he had no possibility of making any other defence; setting forth, that from the 17 of *October*, to *that day Sevennight*, or *Friday* last, he had been kept so close that he knew nothing of what was done abroad; no Friend or Relation admitted to him; he could never hear what *was* charged upon him, and could not foresee

what *would* be, and therefore he had no other *plea* left him, but the Incompetency of the *Witneſſes*. It was objected to him as a Scandal to the *Kings Proclamation* to ſuppoſe an Incouragement to the ſwearing of a *Plot*, where there was none; and that *King*, *Lords*, and *Commons* were touch'd in ſuch a Reflection. Mr. *Langhorne* ſaid no more, but that there was a Reward propos'd; and ſo call'd his VVitneſſes.

Dr. *Oates* inform'd the *Court* of *Papiſts* coming in with their Swords.

Dr. *Oates* informed the *Court*, that there were *Papiſts* come in with their Swords on: but that apprehenſion being compos'd, Mr. *Langhorne* deſired that Mr. *Hilſley* might be ſet up nrſt; who gave this Account,

Hilſley denies his coming over with Dr. *Oates*.

That he came over from St. *Omers April* 24 *New ſtyle*, that he left him at St. *Omers*, and that he did not overtake him at *Calais*, as is ſuggeſted. That 'tis true he loſt his Money, as Dr. *Oates* ſays, and that he himſelf had met one by the way that told Dr. *Oates* the ſtory.

Mr. *Gifford* ſays, that Dr. *Oates* was at St. *Omers* after *Hilſley*'s going away.

Mr. *Gifford* declared, that he did ſee Dr. *Oates*; and that he told them at St. *Omers* that *Hilſley* was gone away; and this was ſome three or four days after he was gone: He did not remember what paſſed in the particular diſcourſe; nor whether any body was by, when Dr. *Oates* and he were ſpeaking concerning *Hilſleys* being gone away.

Dr. *Oates* ſtill at St. *Omers*.

There ſtood up a *Third Witneſs* then; who ſaid, that Dr. *Oates* was with him, and Mr. *Burnaby* came into the Company, and told him that he met with Mr. *Hilſley*, and that he was couſen'd of his *Money*: he did not ſay *how*, but by a *ſhirking Fellow*; and the VVitneſs does not know whether he named the place, or no.

Dr. *Oates* Sworn to be at St. *Omers* from *December* till *June*.

To prove now that Dr. *Oates* muſt know This by another hand, the *third Witneſs* affirmed further, that Dr. *Oates* had been at St. *Omers* from *December*, till *June*, except one day that he was at *Watton*, where he ſaw him almoſt every day: That he ſaw him in the *Refectory*, where he had a little Table by himſelf; That this *Witneſs* was there every day, and there he ſaw Dr. *Oates*.

Mr. *Langhorne* urg'd Dr. *Oates*'s *Narrative*, and *Oath*, before the *Lords*, againſt him.

Mr. *Langhorne* offered then, what appears both in his *Narrative*, and upon his *Oath* in the *Lords houſe*; that he affirm'd Sir *Robert Brett* came over with him. But Mr. *Langhorne* was to have ſpoken to ſomething that was Sworn *There*. Mr. *Langhorne* preſt it, that Dr. *Oates* had own'd that what he Swore was truth; and ſo proceeded to his VVitneſſes, concerning Sir *John Warner* coming over with him.

Sr *Joh. Warner* at *Watton*, when Dr. *Oates* came over. And Dr. *Oates* at St. *Omers*.

The *Fourth Witneſs* was Sir *John Warners* Gardener; who affirmed, that his Maſter was at *Watton* all *April* and *May* 1678; That the *Witneſs* was only four days away at St. *Omers*, and left his Maſter, and found him at *Watton*: That for the laſt of *April*, the *firſt*, *ſecond* and *third* of *May* he ſaw Dr. *Oates* at St. *Omers*; and when he went away, he did not know. He affirm'd, that Sr. *John Warner* was at *Watton* all *April* and *May*, but he would not ſpeak to all *June*: Being asked, why not to the one as well as to the other? His Anſwer was, that the *Rector* (Sir *Francis Williams*) came then for *England*, and in the Abſence of the *Rector* he took upon him the Charge of the Houſe. This was the 24*th* of *April*; where Sir *John Warner* was in *June* and *July* he could not tell, nor where in *Auguſt* and *September*; more than that he went out of Town then, and the VVitneſs knew not whither. The Court ask'd him, how he came to be more doubtful of theſe Months than of the reſt? And his Anſwer was, becauſe that the queſtion fell upon the other Months. It was then reflected upon, that *April* 24 was the very day that Dr. *Oates* came over; and the *Rector*, one of thoſe that he ſaid came over with him: but the VVitneſs reply'd, that the

the *Rector* came ſingle, having onely one Officer of the *College*.

Mr. *Gifford* was then Examined, as to Sir *John Warner*; who declared, that he ſaw him about *June* in St. *Omers*, and then in *June* or *July*, when he invited the VVitneſs to *Watton*.

The *Fifth Witneſs* affirmes, that the *firſt* of *May* being a great Feaſt, he ſaw Dr. *Oates* for *four* days; and afterwards all the Month of *May*: and that he alſo ſaw Mr. *Pool*, and Sr. *Robert Brett*, at the ſame time; but where Sir *John Warner* was then, he knew not; Dr. *Oates* affirmed that Mr. *Pool* came over with him.

Dr. *Oates* and Mr. *Pool* ſaid to be at St. *Omers*, when Dr. *Oates* ſaid, they were in *England*.

The *Fifth Witneſs* further Informed, that Mr. *Pool* (being his *Muſick-Maſter*) could not be away without his miſſing of him. That Mr. *Pool* came from St. *Omers* in the Month of *June*; affirming, that Mr. *Pool* was at St. *Omers* all *May*.

Dr. *Oates* at St. *Omers* all *May*.

There was a *Forreigner* then produc'd; who, by an *Interpreter*, ſaid, that he ſaw Sir *John Warner* actually at St. *Omers* in *April* and *May*, and that he Converſed where he was all *May*, and ſaw him every day from the *firſt Sunday* in *April* to *May* 14*th*. upon which day he went to St. *Omers*, and back again, Sr. *John Warner* having then employed him about a Building.

Sr. *Joh. Warner* at St. *Omers* from the beginning of *April* to *May* 14.

Carpentiere then Informed, that he ſaw Sr. *Tho. Preſton* at *Liege* all through *March*, *April*, *May*; and in *June* he was there: In the *Vacancies* of *Auguſt* and *September* he was gone, and about the *ſecond* of *October* he returned. The VVitneſs hath been four years there, and can Anſwer that for theſe *three* years laſt paſt, Sr. *Tho. Preſton* never was in *England*.

Sr. *Tho. Preſton* at *Liege* thorough *March*, *April* & *May*.

Another *Forreigner* Informed; that he ſaw Sr. *John Warner* at *Watton*, from *April* 14*th* to the 25*th*, and that he was there to the 16*th* of *May*; that at the beginning of *April* he was *Superiour*, and *Governed* in the Houſe; and he was alſo in the Houſe the latter end of *May*; ſave one day, and then he went to St. *Omers*.

Sr. *Joh. Warner* at *Watton* from *April* 24 to *May* 16.

John Joſeph Informed; that Sir *Tho. Preſton*, in *March*, *April*, *May* and *June*, was at *Liege*, and ſo likewiſe in *July*; but in the *Vacancies* he was abſent: That he ſaw him conſtantly, and in *two* or *three* days, and that he never heard it ſaid, that he was in *England*; and that after the *Vacancies* he return'd, in the beginning of *October*.

Sr. *Tho. Preſton* at *Liege*.

A *Tenth Witneſs* Informed, that *April* 25*th* Dr. *Oates* went into the *Infirmary* and ſtirred not out of the *College*; that he ſaw him at St. *Omers* all *April* and *May*, and a great part of *June*, poſitively to the 20*th*; and he was there alſo in *February* and *March*; but in *January* he lay one night at *Watton*; and that he did not come over *April* the 24*th*.

Dr. *Oates* ſaid to be at St. *Omers* all *April* and *May*, and part of *June*.

The *Eleventh Witneſs* Informed; that Mr. *Pool* was at St. *Omers* all *April* and *May*, and went by the name of *Killingbeck*; and that he believes ſo was Mr. *Brett*.

Mr. *Pool* at St. *Omers* all *April* and *May*.

A *Twelfth Witneſs* Informed; that he ſaw Dr. *Oates* at St. *Omers* almoſt every other day, ſo long as he was there: that he ſaw him firſt at the beginning of *December*. That he ſaw him poſitively in *April*, and the firſt of *May*, and that he ſtaid till *June*; by tokens that he ſaw him in *April* at an *Action*, and the firſt of *May*, being a great Feaſt, he ſaw him at *Nine-pins* in the Garden. Touching Sir *Robert Brett*, and Mr. *Nevil*, he could not ſpeak to the former; but for the latter, once in *three* days he believes he ſaw him.

Dr. *Oates* at St. *Omers*.

A *Thirteenth Witneſs* Informed; that he ſaw Dr. *Oates* at St. *Omers*, firſt in *December*; and ſo forward throughout all the Months, till towards the latter end of *June*.

At St. *Omers* from *December* to *June*.

Ano-

Dr. *Oates* at St. *Omers*.

Another *Witneſs* Inform'd; that he ſaw Dr. *Oates* at St. *Omers* all the Months of *April*, *May*, and a good part of *June*; and that Mr. *Pool* was the *third* of *May* in the *Infirmary*, which he remembred, it being a Feſtival, and the day before there was an *Action*. Mr. *Hilſley* went away a day or two after, and the Witneſs had half an hours diſcourſe with Dr. *Oates*: He ſaw him alſo a day or two after walking in the *Gallery*; and the *ſecond* of *May* with one Mr. *Burnaby*; and then he ſaw him the *third*, *fourth* and *fifth* of *May* with Mr. *Burnaby* again.

Dr. *Oates* prov'd to be at St. *Omers* from *December* to *June*.

And then one Mr. *Hall* Informed, that between *December* 1677, and *June* 78, Dr. *Oates* lay every night in the *College*; except *One*, in *January*, at *Watton*; and that for the time that he was there, this Witneſs never miſt ſeeing of him two days together; ſave when he was in the *Infirmary*: and in *March* Dr. *Oates* was there alſo with Mr. *Burnaby*, after Mr. *Hilſley* had been gone a week; and he was Confirmed there *May 26th*; he was there all *April* and all *May*.

Mr. *Pool* and *Nevill* at St. *Omers*.

As to *Pool* and *Nevil*, they were there *March*, *April*, *May*, *June* and *July*.

Dr. *Oates*, *Nevil* and *Pool*, at St. *Omers*.

A *Forreigner*, by an Interpreter, Informed; that he ſaw Dr. *Oates* ſometimes in the Houſe, ſometimes in the Garden, till towards the end of *June*; that he was in the *Infirmary* about *Chriſtmas*: *Nevil* and *Pool* were there all *June*; and Mr. *Pool* left them in *July*. This Witneſs was a *Waterman*, and carried *Williams* and *March*, the laſt Sunday in *April*, in his Boat.

The ſame *Evidence* again.

The next *Witneſs* Informed, that in *April* and *May* he ſaw Dr. *Oates* at St. *Omers*; and that Mr. *Pool*, Mr. *Nevil*, and Mr. *Brett*, were there too. This Witneſs was a *Taylor*, and having a Suit of Cloathes to make for Mr. *Killingbeck*, Dr. *Oates* came into the Shop, and ask'd him queſtions about them.

Mrs. *Grove* affirms, that *Dr. Oates* never lay at her Houſe.

Mrs. *Grove* then Informed, that ſhe never ſaw Dr. *Oates*: that ſhe had Lodgers in her houſe *April* was Twelvemonth; and that ſhe knew them not till they came to lie there; and that Dr. *Oates* could not be there, but ſhe muſt know him; for there was no place to Lodge him. Dr. *Oates* affirmed, that he lay alone when he lay there; and that it was the place where two men were ſeized, and carried away. The Witneſs owned that ſuch men had been ſeized there; but denied that Dr. *Oates* ever lay in That place: Dr. *Oates* ſwears that he did lie there *three* or *four Nights*, more or leſs. It was conſidered, that Dr. *Oates* being in a diſguiſe might not be known; but the VVitneſs ſaid that ſhe knew them all, and nam'd them: one *Strange* and Mrs. *Fitz-Herbert* lay one pair of Stairs, her *Siſter* above, and there they lay all *April* and *May*, and in *March* too there lay one Mr. *Crupper* in the Room where the men were taken, and a young man with him; which young man was a Priſoner by Mr. *Oates* procurement, and Mrs. *Fitz-Herbert* Lodged there too.

Dr. *Oates* Swears, that he lay there 3 or 4 nights in a Diſguiſe.

Mrs. *Groves* Maid Inform'd, that her Miſtreſſes *Brother* and *Siſter* lay in the Room, and no men but Mr. *Strange*; he and Mrs. *Fitz-Herbert* lay there in *April*, *May*, *June*, *July* and *Auguſt*.

Mr. Langhorne charges D. *Oates* with Contradicting his Evidence before the *Lords*, and his *Narrative*.

Mr. *Langhorne* deſires liberty to prove a Copy of the *Record* in the *Lords Houſe*; which not being allowed for *Evidence*, he told the *Court* that it was an Extract out of their *Journals*; and the particular he Inſiſted on, was concerning the Company that Dr. *Oates* ſays came over with him from St. *Omers*: It is that which Dr. *Oates* remitted himſelf to, and has gone over and over with it, That Sir *John Warner*, Sir

Thomas

Thomas Preſton, and Mr. *Pool*, came all along with him. The Priſoner was told, that if he had a *Record* to overthrow his preſent Evidence, he might produce it; Mr *Laughorne* then deſired that thoſe that took *Irelands* Trial might be called, and that he might be permitted to make proof by Witneſſes of what was there Sworn, with regard to the Priſoner at the Barr; and being told that it was not to be done, the Priſoner deſired to know why not; for he had a Witneſs to prove that ſuch words were ſpoken; without which he had no means of Defence? The Anſwer to him was, That as it would be no proof againſt him, ſo it could be none for him.

The Witneſſes affronted by the *Rabble*, and the Court much offended at it.

There was a *Complaint* here brought in by the *Lord Caſtlemain*, of Violence offered, by the Rabble, to the Priſoners Witneſſes; and that they were in danger of their lives, for their coming to give Evidence: which was highly reſented by the *Court*, as an affront to publick Juſtice, and direction given to enquire out the Offenders, that they might be puniſhed.

Never a Room in the *Whitehorſe Tavern* that would hold the Conſult.

A Witneſs was now called to ſpeak to one point; about the meeting at the *Whitehorſe Taverne*: who Informed, that ſhe had kept the Houſe Seven years, and left it laſt *July*. The Queſtion was about the Number that met at that *Conſult*? Dr. *Oates* Anſwered, that there might be ſome *eighteen* or *twenty* there at a time, and that they were divided into ſeveral Rooms. The Witneſs ſaid, that ſhe knew the greateſt part of thoſe that uſed her Houſe, and that ſhe could ſay nothing to the particular of who was in her Houſe *April* the 24*th* 1678; but that ſhe did not remember that ever ſhe ſaw Dr. *Oates* there. It was plain however that he might be there, and ſhe not know on't. Mr. *Langhorne* gave this Reaſon for asking how many, becauſe Dr. *Oates*, both in his *Depoſitions* before the *Lords*, and in *Colemans Trial*, affirmed, There were *fifty* Perſons at that *Meeting*; and that then they adjourned into ſeveral ſmall *Meetings*. But it was returned, that ſo there might be, at ſeveral times of the ſame day; and Dr. *Oates* explained himſelf, That though the Meeting was the 24*th* day, the *Conſult* continued yet till the 26*th* at Night. The Witneſs urged, that ſhe never knew ſo many in the Houſe together, but once, in all her time, and that was upon a *Jury*; and they were forc'd to put them into *three* Rooms, for there was not a Chamber to receive above a dozen: Upon this *three Witneſſes* made Oath; the *firſt*, that he had ſeen a *dozen* or *ſixteen* at dinner there in a Room together; and that it would hold *twenty*: the *ſecond*, that there were two Rooms in the Houſe, where *twenty five* or *thirty* might Dine together in either of them: and a *third*, that he himſelf was at a Wedding-dinner there, towards the Street, where there were above *twenty* Perſons. The Priſoner thought it material however, if the Room would not hold *fifty*; and he ſpake only upon Information, for he had never been *There*.

Being ſaid to be fifty Perſons.

Prov'd, that *two* of the Rooms would hold 25 or 30 a-piece.

Mr. *Langhorne* being ask'd, if he had any more Witneſſes, mov'd that he might reſerve them till the *Kings Council* had ſpoken; but that was not found allowable: ſo he pray'd an Anſwer to a Queſtion or two, if the Court pleas'd. The *one*; *Was Mr.* Ireland *here in* London *in* Auguſt, *or not*? To which it was reply'd, that it was a point forreign to the matter in queſtion. The *other* was, *Since Mr.* Oates *affirm'd himſelf ſix or ſeven hundred pound out of purſe ſince his Diſcovery, if the Priſoner might examine two Witneſſes upon the probability of that aſſertion; for if he were extreamly Neceſſitous before, how ſhould he get Credit for it ſince, but by his Evidence*? But it was found to be a matter clear from the Point to demand of him, how he came by his Money.

Mr. Langh. offer'd ſome Queſtions to the *Court*, which were not admitted.

Mr. *Langh.* urg'd Mr. *Bedloes* contradicting his Evidence before the *Lords*.

Mr. *Langhorne* then offer'd a Copy of a *Record* of the House of *Lords*, to prove that Mr. *Bedloe* had there declared, that *he had no Person more to charge, either in the House, or out of the House, than what he there Charged*; and that he the Prisoner was none of the Persons there Charged. It was Objected, that he might forget things at that time, and call them to mind afterwards; and besides, that some body should have been produced to prove, that Mr. *Bedloe* took That *Oath*.

Mr. *Langh.* asks how the *Commissions* were disposed of.

Mr. *Langhorne* offered a Question now concerning the *Commissions*, asking whether or no (and to *whom*) the Prisoner distributed those *Commissions*, as the VVitness says he did?

Dr. *Oates* Replyed, That he only said the Commissions were delivered, but not to *whom*; but that he affirms they were for those *five* Persons, and that the Prisoner himself told him in *July*, or *August*, that he had dispos'd of them, without naming to whom; only speaking of *one*, which he sent his Son with to my Lord *Arundell*'s eldest Son: He told this VVitness, it was delivered, not calling to mind that he knew of any other. This Question is put (says Mr. *Langhorne*) because Dr. *Oates* Charged the Prisoner before the *Lords*, with sending the Commission to the *Lord Arundel* himself. Dr. *Oates* affirming also, that he saw a *Letter* in the Prisoners Chamber, acknowledging the Receipt of it.

And charges Dr. *Oates* with a mistake.

The *Narrative* of Dr. *Oates*'s Evidence at *Colemans* Trial.

Mr. *Langhorne* desired, that Mr. *Lidcott* might be examined to a point of Dr. *Oates*'s Evidence at *Colemans Trial*; where he says, that he came, and communicated to the Prisoner the Matter of the *Consult* the very next day after it, and never saw the Prisoner any more; but Mr. *Lidcott* (though *present* there) was not able to speak to the particulars of the *Trial*; so Mr. *Blany* was ask'd what he could Testifie upon that point; who acknowledged, that he took the Notes, and remembred something about Mr. *Langhorne*; but could not charge his Memory upon it without Book: So Mr. *Langhorne* presented the *Narrative*; which Mr. *Blany* said was not printed from his *Copy*. But an *Historical Narrative* was agreed to be no Evidence in Law. Mr. *Langhorne* offer'd, that without some light to his Charge he could not prepare himself for his defence: and that in other Cases people are confronted before a Magistrate, and so come to understand the Matter of their Charge.

No Evidence in the *Law*.

Mrs. *Sillyard* was called; but affirming that she durst not give Evidence without being secur'd from the Rabble: and the Court being only able to promise Justice upon any Offender in *that* kind that should be brought before them, she was discharged, by Mr. *Langhornes* consent, without Examination.

Mr. *Langhorne* insists upon the Incompetency of the Witnesses.

Mr. *Langhorne* said, that he intended to make use of her Evidence to a Deposition of Mr. *Bedloes* at *Readings Trial*; which was, that he could have said more against *Whitebread*, and *Fenwick*, then he did at their First Trials; which Concealment he took to be Perjury, for not having told all the Truth; and that however Impertinent it might seem, it was yet of great effect to the Prisoner, to shew that the VVitness against him was not to be believed. But Mr. *Whitebread*, having before receiv'd an Answer to that Objection, the *Kings Council* summ'd up the whole Matter in brief to the Jury; and then more of the Kings VVitnesses were Sworn.

William

William Walker deposeth, That he had known Dr. *Oates* seven or eight years. That towards the end of *March* 1678, or the middle of *April* following, he had seen him in *England* in a Disguise, and could not call him to mind that Night; but early in the Morning it came into his head that it was *Titus Oates*: and so he rose early to enquire of a Gentlewoman concerning him, that knew him; and asking her how Dr. *Oates* did, she struck her hand upon the Counter, and cried, *He is an undone man, for he was turn'd Papist.* The VVitness asking her then, if she knew were he was? *No*, said she, *he is skulking somewhere up and down here, and dares not shew his head in the day.* Whereupon this VVitness told her, that he had seen him the day before, about *ten* in the Morning, betwixt St. *Martins Lane* and *Leicester House*; but that he was disguised: and the VVitness described his Habit to her. Mr. *Langhorne* prayed he might speak to the *Time* as near as he could; and the VVitness said, that he did rather think (but could not be positive) that it was about the *Middle of April*, and that it was 1678, not 1677; about the time of the year, when he usually came to Town to receive Money. And the VVitness affirms, That it was Dr. *Oates* whom he saw, and that he was brought up for a VVitness, having spoken of this passage to several Persons after the Report of the *Plot*; which he supposes might come to Dr. *Oates*'s ear by Chance.

Mr. *Walker* deposes, that he saw Dr. *Oates* in *London* in *March* or *April*, 1678.

Mrs. *Ives* then deposed, that Mr. *Walker* told her, (being the Mistress of the House) the substance of what he gave in Evidence concerning her; adding, that it was about the *middle of April* was Twelve-month, and that Dr. *Oates*'s Father coming then to her shop, and eating some *Cream-cheese*, upon their first coming in, she told him the Story that *Walker* had told her.

Mrs. Ives swears to the same effect.

One *Butler* was Sworn (Sr. *Richard Barkers* Servant) and affirmed, that he had known Dr. *Oates* two or three years, and that he saw him the beginning of *May* last was Twelve-month at his Masters house, enquiring for Dr. *Tongue*: that he was so disguised, as that he heardly knew him. That the VVitness in Court was the Man, and *Titus Oates* his Name. This VVitness bad him *Welcome* into *England*, but he went in, and came forth again, without taking any notice of the VVitness. He was in a Grey-coat, a Flopping-hat, Plain-shoes, his Hair cropt to his Ears; and one would rather have taken him for a *Shepheard* than a *Minister*. Mr. *Langhorne* ask'd, if it were in 1678, or in 1677? The VVitness affirmed it to be in *May* was Twelve-month, and that he told his Master about a week after, at his coming out of the Country, That Dr. *Oates* had been there, in a strange Dress, to ask for Doctor *Tongue*.

Butl. proves Dr. *Oates* in *England* in *May* last.

Cecily Mayo was then Sworn; and said, she never saw Dr. *Oates*'s face till about a fortnight before *Whitsontide* was Twelve-month; and that then a Servant of Sir *Richard Barkers* shew'd him to her at the Window; and that this Gentleman (Dr. *Oates*) in *Court* is That man.

Cecily Mayo, and *Philip Page* swear Dr. *Oates* in *London*.

Philip Page deposed, that he had known Dr. *Oates* five years; and that he saw him at Sr. *Richard Barkers* about the beginning of *May* was Twelvemonth: and that he was positive that Dr. *Oates*, then in *Court*, was the same Man.

Sir *Richard Barker* deposed; that he had known Dr. *Oates* from a Child, and that his Servants told him, that they had seen him about a year ago; and that he himself had not seen him, which he wondred at, having lately seen his Father, who said nothing of it: and that he the VVitness had thoughts of bestowing a Living upon him. It was in *Whitson-*

Sir *R. Barker* told as much by his Servants.

Whitſon-week, at the VVitneſſes coming home, that he was told by his Servant of Dr.*Oates*'s being there, and of his Dreſs; but upon enquiry what Meſſage he had left, it was anſwered, that he only asked for the VVitneſs, and for Dr.*Tongue*; and this was in the beginning of *May* was Twelvemonth. Mr. *Langhorne* ſeemed to admire that the VVitneſs ſhould intend him a *Benefice* under theſe Circumſtances. Sir *Richard Barker* was certain that this was in 1678: and informed the *Court* likewiſe, that a Grandſon of Sir *William Thorold* (now Sr.*William Thorold*) and two or three of the *Univerſity* had a Converſation with Dr. *Oates* at the ſame time, which he preſented only as a *Circumſtance*.

Mr.*Clay* ſaw Dr. *Oates* twice in *April* & *May*.

Mr. *Clay* depoſed, that he had known Dr. *Oates* ſince *April* laſt was Twelvemonth; and that he had ſeen him twice in *April* and *May*, at the Houſe of Mr. *Charles Howard*, which was a part of *Arundel-houſe*, that was ſince turn'd into a Street: He remembring it by this Token, that Mr. *Charles Howard* told the Witneſs he had been at St. *Omers*, and was now come over again, and that he had ſome inclinations of entring into the Society; but that he thought he ſhould put him off: the VVitneſs declaring himſelf to be of the *Church*, but not of the *Court* of *Rome*. And that he was certain that this was in 1678. Mr. *Langhorne* deſired to know, whether Mr. *Clay* rememberd any thing of Dr.*Oates*'s playing at that time with Mr. *Howards* Son, or talking to him about his Book, or asking him Queſtions? But Mr.*Clay* remembred nothing of it, nor that Mr. *Howards* Son was in the Room.

Mr.*Smith* ſaw him the firſt *Monday* in *May*.

Mr.*Smith* depoſed, that Dr.*Oates* had been his Scholar; that he knew him before the Fire of *London*, and that Dr. *Oates* gave him a Viſit, and dined with him, at *Iſlington*, at the beginning of *May*, the firſt Monday in *May*, as he remembred; and that he was with him 3 or 4 hours. That the Witneſſes Wife was there, and that they diſcours'd of Dr.*Oates* Travels into *Spain*, *Valadolid* and *Salamanca*; that he had a *Cinnamon* coloured Suit on, and green Ribbands.

Mr.*Charles Howard* ſaw him in *July*, but not in *May*.

Mr.*Charles Howard* declareth, that he knew Dr.*Oates* very well, and that he had known him upward of two years, and that he had been divers times at *Arundel-houſe*; and particularly about two years ago. That he remembred him there after *July* was Twelvemonth, but not in *May*; and that the Witneſſes Son dy'd in *May* 1677. Mr. *Howard* declaring, that in *April* 77 his Child was living, and that Dr. *Oates* and Mr. *Clay* dined there with him: Dr.*Oates* affirming, that he had not been two years acquainted with Mr.*Clay*. Mr. *Clay* alledging, that he never knew Dr.*Oates* before the end of *April* laſt year: And likewiſe, that Mr. *Howard* had a Son yet living at that time. Dr. *Oates* informing the *Court*, that one Son of his was dead a Twelvemonth before Mr. *Clay* and Dr. *Oates* met there. Mr.*Howard* explaining himſelf, that he ſpake of his eldeſt Son, who deceaſed two years ſince.

Mr. *Langhornes* Defence and Exception to Dr. *Oates* his Teſtimony.

Mr. *Langhorne* being called upon to ſpeak what he had to ſay, repreſented his Caſe; That he was accuſed by two VVitneſſes: the firſt, Mr. *Oates*, againſt whom, if he could prove any thing falſe given in Evidence, he conceived that he ought not to be regarded. As for Sir *Tho. Preſtons* coming over with him in *April*, it hath been clearly made out that he was then at *Liege*: and for Sr.*John Warner*, Mr.*Pool*, and others, coming in the ſame paſſage, he ſaid, that the falſity was proved againſt him beyond diſpute. Then as to himſelf, it was proved likewiſe that he was ſick in the *Infirmary* after Mr. *Hilſley* was come away; he depoſing that they came together. Theſe Particulars being clearly proved, he thought ſufficient to take off Dr.*Oates* Credit; averring alſo, that from *November* 1677 to that minute, he never ſet eye on him. The Priſoner ſet forth, that

that he had been a great while kept close, and but one Week allowed him to prepare his defence; and therefore depending that he would have delivered the same things here which he has publish'd in his *Narratives*, all that the Prisoner could do was to arm himself as well as he could against these Points. Mr. *Langhorne* did likewise tell the *Court*, that he had seen Dr. *Oates* in *Michaelmas* Term 1677 once or twice, and that he brought him a Letter from his yonger Son in *Spain*. He told the Prisoner, that he would go over to St. *Omers*, for he could not get himself admitted into any of the Colleges in *Spain*. He affirmed, that since that day, till now in the *Court*, he never saw him; nor knew a face of any of the Witnesses from St. *Omers*: And that he hoped the *Jury* could not look upon those Youths as Capable of driving on a *Design*, or aiming at a *Reward*. It was reflected, They were all *Papists*, and in a *Common Cause*. Mr. *Langhorne* offer'd to that Objection, That if the One side ought not to be Credited, as being *Papists* and *Friends*: so neither was the Other, as being *Enemies*. If it were clear, that he neither Lodg'd at *Groves*, nor came over with *Hilsley*; or that neither Sir *Thomas Preston*, *Warner*, or *Poole* came with him, that then his Evidence ought not to be look'd upon as valuable.

And then as to Mr. *Bedloes* Evidence, it may be considered; *First*, there is no proving of a *Negative*: *Secondly*, that the Prisoner had no acquaintance with him, nor can say, that in his whole life, he ever saw him before This Occasion: (But yet 'tis possible that he might see him, and not know it.) Is it probable now (says Mr. *Langhorne*) that the Prisoner, if he were guilty, would ever have taken Mr. *Bedloe* into a Confidence, in a Privacy of this Nature; or that a Person of the Prisoners Practice should spend his time in Registring Letters, and keeping Accounts for any particular *Religious Order*? If the Prisoner could have known his *Charge*, he might have accommodated his *Defence* to it: and the Witnesses that he had were only such as his Friends thought might be beneficial to him. The Other side having had all Advantages of bringing their Witnesses together. The Prisoner suggested further, That if he fell under any prejudice for his *Religion*, it would look as if he suffer'd for *That*. Concluding with this Declaration, That *he did believe it Damnation to any one that should go about to kill the King, or deprive him of his Government:* and he recommended the rest to the *Court*, and to the *Jury*. And the *Lord Chief Justice* hereupon gave directions to the *Jury*, with his usual Candor and Gravity. And to *Mr. Bedloes.*

After Directions given, the Court reflected upon a Letter found amongst *Harcourts* Papers, which had been made use of in the Trials of the Day before; and was found *six* or *seven* days after Dr. *Oates's* Information of a PLOT to the *Council*. This Letter the *Court* order'd to be read, as a Paper that might give some light to the *General Design*, and it was read accordingly.

Honoured, Dear Sir,

I have but time, &c. A *Letter* descanted upon.

[*See the History of the Defence of* Whitebread, &c. *fol.* 30.]

The *Letter* being read, Mr. *Langhorne* offer'd, that Dr. *Oates* might eaſily have explained it, being no other than ſuch a Summons to this Meeting, as brought theſe over from St. *Omers* that attended it: and for the *Deſign*, it was no more than the holding of a *Congregation*, like that of a *Dean* and *Chapter* in a *College*; and for the Caution of *Secrecy*, it was but reaſonable, where the diſcovery was dangerous.

The *Priſoner* found Guilty, and Condemned.

The *Jury* was now ſent out to adviſe upon their *Verdict*; and after a little time they brought in Mr. *Langhorne*, *Guilty*: And then the Priſoners before Convicted were brought to the *Barr*, by the Direction of Mr. *Recorder* to receive *Judgment*; which was paſt upon them *To be Drawn, Hang'd, and Quarter'd*, according to the *Common form*.

Which *Sentence* was Executed upon the *five Prieſts* and *Jeſuites*, on the 20*th* of *June*; and upon Mr. *Langhorne*, on the 14*th* of *July*, 1679.

THE

THE HISTORY OF THE Charge and Defence OF *Robert Green*, *Henry Berry*, and *Lawrence Hill*, &c.

THE Three *Prisoners* above-named having been Arraigned at the *Kings-Bench Barr*, on the *Fifth* of *February* 1678, for the Murther of Sir *Edmond Bury Godfrey* (the *Grand Jury* for the County of *Middlesex* having found the Indictment two days before) they were upon the *tenth* of the same Month brought again to the Barr, to receive their Trials: when his *Majesties Council* having open'd the Indictment, the Kings Witnesses were called; and Dr. *Oates* first Sworn, who gave Evidence. *Green, Berry and Hill brought to their Trials.*

That he applied himself to Sir *Edmondb. Godfrey*, *September* the *sixth* last past, with certain Informations, and having made Oath to the Truth thereof, he carried the Record back again; and, *September* the 28*th* repaired to Sir *Edmond Godfrey* with two or three perfect Copies, and Swore them also. This being done, the VVitness gave Information thereof to the Council: After which Sir *Edmond* came unto the VVitness (*September* the 30*th*, as he remembers) and told him what *Ill-will* he had got: some reproaching, and threatning him for doing so *much*; and others, for doing so *little*; and that the *Parliament* should be acquainted with it, being to meet on the *One and twentieth* of *October* ensuing. Dr. *Oates*'s Evidence: And Law in securing the *Depositions*.

The VVitness also Swears, that about a week before Sir *Edmond* was wanting, he told the VVitness that some *Popish Lords* menac'd him for medling in the Business. That he had great apprehensions of mischief from the *Papist's* Party; and he told the VVitness how he had been watched for several days. The VVitness asked him, why he went without a Servant? He had One, he said, but he was a pitiful weak Creature: the VVitness then advising him to get him some smart Lad to wait upon him; but he gave little heed to it: telling him, that he did not fear any Man upon the *square*; but still he would be talking to the VVitness of the danger that he was in; who gave him this Consolation, That if it should be his Lot to suffer, it would be in a Righteous Cause. Sir *Edmond-Bury Godfrey* foresees his end.

Thomas Robinson Esquire was Sworn; and deposed, that Sir *Edmond* and himself had been School-fellows at *Westminster*; and for above forty years of a continued Acquaintance (saving only in the late VVar) and Fellow-Commissioners for the *Peace*. Mr. *Robinsons* Evidence.

That

That having been together at *Weſtminſter Quarter-Seſſions*, *October* the 7*th*; upon the riſing of the Court they went to dinner with the *Head Baily*.

The Witneſſes diſcourſe with Sr. *Edmond-Bury Godfrey* about the *Plot*.

They had a great deal of talk there concerning the *Plot*; That this Witneſs told Sir *Edmondb.* that it was ſaid he had taken ſeveral Depoſitions about it. To which he made Anſwer, that *he had done more in it, than he thought he ſhould have Thanks for*; and that *he could have been well content if it had fallen into ſome other hand.* This Witneſs telling him, That he had but done his duty; and deſiring a ſight of the *Examinations*, if he had them about him. But his Anſwer was, that *a Great Perſon had them, and that when he got them again, the Witneſs ſhould ſee them.* They both agreed that they were not yet at the bottom of it; *But upon my Conſcience*, (ſaid Sir *Edmondb.*) *I believe that I ſhall be the firſt Martyr*: adding, that *no man ſhould have his Life neither upon eaſie Terms.* The Witneſs adviſing him to go with a Man, and he not liking it.

Mr. *Prance* was then Sworn:

Mr. *Prance*'s Evidence.

Who declared, that before Sir *Edmond* was murther'd, for a fortnight or three Weeks, there were ſeveral *Meetings* at the *Plow-Alehouſe*, where was *Green*, *Girald* and *Kelly*; and that the two latter (who were *Prieſts*) drew the Witneſs in, perſwading him that it was no Sin, but rather a piece of Charity; for he was a buſie Man and would be very troubleſome. Theſe words paſſed at the *Plow*, and at the *Water-ſide*, ſome week or fortnight befor the Murther. Upon the meeting of *Green*, *Hill* and *Girald*, they came to a Reſolution, that whoever ſaw him firſt ſhould immediately give notice to the reſt, that they might be ready for him. *Girald*, *Kelly* and *Green* ſaid in the Witneſſes hearing, that they had dogg'd him into the *Red-Lion Fields*, but had no opportunity to kill him There. On a Sunday-morning Mr. *Kelly* came to the Witneſs, and told him, that they were then Watching of him; and told the Witneſs afterwards, that either *Hill* or *Green* had been at his Houſe to enquire for him; but the Servant telling him, Sir *Edmond* was not up, he left word that he would come again by and by: after this they waited their time, and then dogg'd him, as *Girald* and *Green* told this Witneſs; but whether it was *Green* or *Hill* that went, he could not ſay. And that Day *Girald*, *Green* and *Hill* dogg'd him from one place to another, and ſo into St. *Clements*. About Seven of the Clock *Green* told the Witneſs where Sir *Edmond* was; and he haſten'd away from his own Houſe to *Somerſet-houſe* immediately, the Witneſs living in *Princes-ſtreet*, not far off. Where he was at St. *Clements* this VVitneſs cannot tell.

Drawn in by *Green*, *Girald*, and *Kelly*.

Sir *Edmond.* dogg'd into *Red-Lion-fields*.

They had ſett him in St. *Clements*.

Towards Nine a Clock notice was given to *Hill* (who came before) that the VVitneſs was to be in readineſs. Preſently upon This *Hill* went away to the Gate, and as Sir *Edmond* was paſſing by, he deſired him to try, if he could quiet two Fellows yonder that were quarrelling; which he was loath to do: but *Hill* preſſing it, that the Authority of a *Juſtice* might make them Friends, Sir *Edmond* went along with him; and as he was at the bottom of the Railes *Green* got a Handkercher about his Neck, which he had twiſted, and there pulled him over, and punched him, and choak'd him. *Girald* would have run him through with his Sword; but the reſt were againſt it, for fear that it ſhould be found out by the blood.

And prepare for the Murther.

A Quarrel pretended.

The manner of the Murther.

The

The Witneſs went to the Body a matter of a quarter of an hour after, and handling it perceived that he had life in him yet; for his Legs quivered; but then *Green* took him by the Neck and turned it quite round. The Witneſs does not ſay that he ſaw him do this, but *Green* made his brags of it, and the reſt told the Witneſs of it too. The Witneſs was ordered by *Hill* to ſtand at the Water-gate, and *Berry* looked to the Stairs; they did all four tell the Witneſs of the twiſting of his Neck, and they were about the body when the Witneſs went down. *Berry* was not there at firſt, but he came before they had him into the houſe, and helped to carry him up; and ſo did this Witneſs, with the reſt. That is to ſay *Girald*, *Green*, *Hill*, *Kelly*, *Berry* and the *Witneſs* did all put their helping hands. He was carried into Dr. *Godwins* houſe, where *Hill* (that had been the Doctors man) had a Chamber, and he went before to get the door open, while the reſt brought the body, the body was kept there till *Munday Night*; and then it was laid in *Somerſet-Houſe* where this Witneſs ſaw it by *Hills* Dark-Lanthorn, they were all there, and upon *Tueſday Night* the body was removed again into *Hills* Lodgings, in a Court below there. What was thrown over him, this Witneſs does not know, *Hill* had a Dark-Lanthorn which was all the light there was; but the Witneſs was certain that it was Sir *Edmund Godfreys* body. It ſhould have been laid in *Hills* Lodgings, but ſome body being there they conveyed it into a Room that was overagainſt it (Sir *John Arundels* Lodgings as he thought.) About Nine, on *Wedneſday Night* as they were carrying it into the Chamber where it was firſt, this Witneſs had the hap to come juſt at that time, which ſtarted them ſo, that they ran away; but upon the Witneſſes ſpeaking *Berry* returned, and the body was got up and ſo carried off about Midnight in a *Sedan*. It was *Hill* that brought the *Sedan*, and all the Company helped to get him into it. *Girald* and the Witneſs took him up firſt; *Berry* ſtood ready upon a *Hemm* to open the Gate, and ſo he was carried out at the *Upper Court Gate*, *Green* and *Kelly* went before, and they took him up in *Covent-Garden* to eaſe the other, In *Longacre* the Witneſs and his Companion took him up again, and carried him on as far as *Soho* Church.

Green twiſted his Neck and bragged of it.

The body carried off in a *Sedan*.

Hill was ready there with a Horſe, and there the body was ſet up aſtride and *Hill* rode behind it holding it up; *Green*, *Hill*, *Girald* and *Kelly*, went along with him, the *Sedan* being put into a new-built houſe till they returned.

Hill meets them with a Horſe and takes up the body.

The next morning *Hill*, *Kelly*, and *Girald* told the Witneſs that they had thruſt his Sword through his body, caſt him into a Ditch, and his Gloves and things were laid upon the Bank.

Hill, *Kelly*, and *Girald*, run his Sword through him.

As to their meeting at *Bow*, it was at one *Caſhes* the *Queens-Head*, there was one *Leueſon*, *Vernat*, the *Witneſs*, Mr. *Girald* and one *Dethick*, that Mr. *Vernat* ſent for by a Cobler; and he came immediately. There was a Barrel of Oyſters for Dinner, and a Diſh of Fiſh, that the Witneſs bought himſelf: and it was the *Friday* after the *Proclamation* for ſending all *Papiſts* out of Town.

Their Conſultation at *Bow*.

The pretence of this meeting (as Mr. *Vernat* told the Witneſs) was only to be merry.

While the Company was making merry, the Witneſs hearing ſomthing ruſtle at the door, he went and found a Drawer hearkning there; and told him he had a good mind to kick him down ſtairs, and ſo went away. The Witneſs ſays that *Hill* and *Berry* were in the buſineſs before him, as *Girald* ſaid, with whom the Witneſs had been ſeveral times at *Berries* Houſe; they met twice at the *Plow*, and the ſecond time *Hill*

A Drawer overheard the Conſpirators at the Tavern.

was there. They ſaid there was a great reward promiſed, but this Witneſs cannot tell what.

Girald had taken up a full reſolution to deſtroy him that Night: and, rather than fail, he would have killed him in the Street; in the Lane that goes down to his Houſe. Mr. *Prance* being queſtioned about Mr. *Bedlow*, declared that before the Witneſs was in Priſon, he cannot remember that ever he was in Mr. *Bedlows* Company.

Giralds Reſolution to murther Sir *Edmund.*

Mr. *Hill* deſired the Court that *Prances* Evidence might not be admitted againſt him, becauſe he had denyed all to the King, that he had before Confeſſed; and ſo was perjured; but he was anſwered, that his Confeſſion was not upon Oath. *Hill* asked *Prance* what time it was he went to Sir *Edmond Godfreys*, who anſwered that it was *Nine or Ten a Clock*. *Hill* affirmed that he had not been abroad that day; and denied every ſyllable.

Hill objected againſt *Prances* Teſtimony.

Then *Berry* askt *Prance* what people were in the houſe, when he ſaid he was there, and bad him name any; and *Prance* told him that his *Wife* was there, and *Girald*, *Kelly* and the *Witneſs*. But *Berry* could not deny the knowing of *Prance*, no more could *Hill* nor *Green*. *Prance* could give no account from whence they *Hounded* him, when they murthered him; he was carried into the Houſe ſome quarter of an hour after he was killed, being taken and by ſurpriſe ſtrangled.

Captain *Richardſon* was asked what he knew of *Prances* denying what he had confeſſed: who declared, that he was ordered, the night before the laſt Parliament was Prorogued, to carry *Prance* before the Committee of Lords, to be examined: How that he was in great diſorder, and earneſt to ſpeak with His Majeſty; and that being brought into Kings Cloſſet, he threw himſelf upon his knees and cryed, *He was Innocent*, and *they were all Innocent*, and he ſaid as much to the Council, denying upon the queſtion that any body had tampered with him. That ſo ſoon as ever he was in the Priſon again he begged of Captain *Richardſon* that for Gods ſake he would go tell the King that all he had now ſaid was falſe, and that true which he before made Oath of; and if he might have his Pardon, he would make a conſiderable Diſcovery. That he recanted purely out of fear, that he had loſt all his Cuſtom among the Catholicks, and though the King ſhould Pardon him, they would go near to murther him. And Captain *Richardſon* declared that after his Pardon he demeaned himſelf very quietly; and expreſſing a great deteſtation of the practices in the Church of *Rome*.

The reaſon of *Prances* flying off.

Mr. *Bedlow* Sworn,

Who declared that *Le Faire*, *Pritchard*, and divers Prieſts beſides had dealt with him for the killing of a perſon, without naming the man, and that he ſhould have help and a good reward: and that this was in *October* or *September* laſt. After which *Le Faire*, *Pritchard*, and *Welch*, put him upon working himſelf into an Acquaintance with Sir *Edmond Godfrey*. That this Witneſs having introduced himſelf into a familiarity with Sir *Edmund*; inſomuch that he had been at his houſe for about a week together day after day; they would have had the Witneſs have brought them into his Company too. That he made his Acquaintance by going to him for *Warrants* againſt people, and this Witneſs had been with him every day but *Saturday* the week before he was murthered. That upon *Friday*, the day before, the Witneſs ſent his Boy to know if he were at home, with an intent to have gotten him over to the *Grey Hound Tavern*, where the Confederates then were, five *Jeſuits*; but he was not at home, and ſo *Le Faire*, *Welch* and the *Witneſs*, went into the

Mr. *Bedlows* Evidence.

He made an acquaintance with Sir *Edmund Godfrey.*

the City. That *Le Faire* having been next morning at the Witneſſes Chamber, and miſſing him, they met by chance in the Afternoon in *Lincolns-Inn-Fields*; and ſo they went to the *Palſgraves Head Taverns* together; where, upon diſcourſe, he told the Witneſs, there was a very conſiderable man, who was that night to be *put out of the way* (that was the expreſſion) for he had gotten all the Informations of Dr. *Oates*, and Dr. *Tonge*; and if theſe Papers were not taken from him, there would be ſuch Diſcoveries made as would endanger the whole *deſign*. The Witneſs could not get it from him, who he was; but there had been ſeveral Plots upon him, and none of them had hit: and that Mr. *Coleman* had orders to pay 4000 *l.* for the ſervice. The Witneſs parted with him then, upon his promiſe to come to him at *Somerſet-Houſe* Cloyſter that night: but the Witneſs knowing the buſineſs, failed him; and ſaw him not again till *Munday Night* in *Red Lion* Court, where he met him. He charged the Witneſs with not keeping his word, who told him that he fell into other Company; and beſides that he could not ingage to kill any man without knowing, firſt, who it was. Well! (ſays he to the Witneſs) be you at Nine a Clock to Night at *Somerſet-Houſe*, and you ſhall hear more. The Witneſs went punctually at his time, and they had a great deal of diſcourſe together in the Cloyſter: from thence he walked the Witneſs into the Court, and chid him for not aſſiſting in that affair; but however, if *you will lend us your hand now* (ſaid he) *to get him off, you ſhall have two thouſand pounds of the four.* The Witneſs then asking if he were murthered; he anſwered *Yes.* The Witneſs then demanded if he might not ſee him; he told him that he might; and ſo he led him by the hand through a dark paſſage into the place where the body lay. There were ſeveral people in the Room; but how many, and who they were, he could not ſay. There was no light in it but a Lanthorn; and by that the Witneſs could diſcern the body. There was a *Cravat* about his Neck, drawn ſo ſtreight, that the Witneſs could not get his Finger betwixt. They had ſome diſcourſe then of getting him away; pretending him to be one that was related to a Perſon of Quallity. The Witneſs was very much ſurpriſed when he found who it was; and urged the dropping of him into the *Thames* with weights to ſink him: but they rather choſe to have it put upon himſelf, and to carry him out in a *Chair* and the Porter *Berry* ſhould be ready at the Gate to let them out. They owned that they had ſtrangled him and would have had the Witneſs to help them out with him. But he excuſed himſelf as being yet too early, and that it were better to ſtay till about Eleven or Twelve a Clock, promiſing to be with them again: But (ſays *Le Faire*) *upon the Sacrament you took on Thurſday you will be at the carrying him off to Night*, which the Witneſs promiſed; and ſo they parted.

Le Faire appointed Mr. *Bedlow* to meet him.

Their Diſcourſe.

Mr. *Bedlow* brought to the body.

Mr. *Bedlow* adviſed the ſinking of the body in the *Thames*.

Le Faire charges him to help away with the body by the Sacrament he took on *Thurſday*.

This lay heavy upon the Witneſſes Conſcience, who could not reſolve to diſcover that which he had taken two Sacraments in a week to conceal. In this trouble of Thought, the Witneſs went to *Briſtol*, where God put it into his heart that ſome murthers were paſt, and greater to come; For the prevention whereof he was at laſt convinced of the duty of revealing this wickedneſs; and ſo made his application to the *King* and *Parliament* thereupon. Meeting *Prance* afterward in the *Lobby*; and there apprehending him. Mr. *Bedlow* declared alſo that he ſaw *Green* was about the Court, the night when the body was to be carryed away; and that he heard *Berry* was to open the Gate: but they finding that the Witneſs had again diſap-

Mr. *Bedlow* troubled in Conſcience.

diſappointed them, put it off that night for fear of further obſtruction.

The Providence of Mr. *Bedlows* diſcovering *Prance*.

Mr. *Bedlow* being called upon to ſay ſomthing to the buſineſs of *Prance*, reported the matter, how that finding the croud to be great in the Lords *Lobby*, and being deſirous himſelf to be private, he bad the Guard clear the Room of all that had no buſineſs there; an order was given for all to quit but Mr. *Bedlow* and his *Friends*: when ſeeing a man lift up his Hat; to find out his way, and finding it to be *Prance*, the Witneſs charged his Guards with him; but he being then in cuſtody, and the Conſtable telling him that he was his Priſoner, the Witneſs bad him have a care of him, and afterwards charged him before the Houſe of Lords.

As to the Priſoners: *Hill* ſaid that he never ſaw Mr. *Bedlow*; and *Berry*, that he never ſaw Mr. *Girald*.

The Conſtables Evidence about the body of Sir *Edmund Godfrey*.

The *Conſtable* was then ſworn, about the finding Sir *Edmund Godfreys* body; whoſe Evidence was, that the body was found in a Ditch, his Sword ſticking in it, and two handfuls through his Back: neither the Sword, nor the place where it lay, was bloody. He had a thruſt in another place, but ſtriking upon a Rib, it paſſed no further: and there was no blood there neither. His breaſt was bruiſed, his Neck broken (as the Witneſs believed) his Gloves and Stick by him, upon the Bank; his ſervant ſaid that it was his Maſters Sword, and he had both Gold and Silver in his Pocket.

Evidence upon the view of his body.

The Priſoners offered this Witneſs no queſtions. The *Surgeons* were then Sworn, that viewed the body and opened it. Mr. *Skillard* informed, that he viewed the body at Twelve a Clock the next day after it was found. That the Breaſt was bruiſed as with blows or ſtamping on it, his Neck diſtorted: two wounds, one fell on a Rib and the other paſt through his body: but he never dyed of thoſe wounds, and neither his Cloths nor his Waſtcoat were pierced; his Neck was certainly broken; and probably he might be dead four or five days before theſe wounds were given: upon the opening of him it appeared that he began to putrifie.

Mr. *Cambridge*, another *Chirurgeon*, was Sworn, who depoſed that he ſaw the body on the ſame day with Mr. *Skillard*; the Neck diſplaced, bruiſed upon the Breaſt, one wound on a Rib, and another that paſt through him under the left Pap, which wounds were undoubtedly given him after he was dead.

Eliz. Curtis ſwears that *Green* came to her Maſters houſe.

Elizabeth Curtis (Sir *Edmund Godfreys* Maid) Sworn and Examined; Depoſing that a matter of a Fortnight before her Maſters death, the Priſoner there, that they called *Green*) was at Sir *Edmund Godfreys* Houſe in the Morning, to inquire for him, and firſt gave him the time of the day in *Engliſh*, and afterwards ſaid ſomthing to him in *French* (*Green* denying that ever he ſaw Sir *Edmund Godfrey*) The Witneſs perſiſting in it, that he was with her Maſter about a quarter of an hour, and in a darker Periwig then that he wore in the Court; and that upon *Sunday Morning Hill* was there: which *Hill* alſo denyed; the Witneſs particularly remembring that ſhe was then doing ſomthing about the Fire in the Parlour; that ſhe gave her Maſter his breakfaſt there, *Hill* being with him, and then went up ſtairs, and miſſing her Keys, came down again, and found them upon the Parlour Table; and *Hill* was yet there, in the very Cloths he had on in the Court, about Nine or Ten a Clock: which agreed with *Prances* Evidence; *Hill* acknowledging, that he had not changed his Clothes, but objecting that ſhe ſaid in *Newgate*, ſhe never ſaw him: and undertaking to prove, that he was elſe-

And that on a *Saturday morning Hill* was there.

where

where that morning, and about a month after ſhe ſaw him in *Newgate.*

But there was another man, that brought a Note for Sir *Edmond Godfrey*, the night before; which her Maſter had; and ſhe knows not what became of it. The man came on *Friday* night, with a Letter in his hand tyed up, and asked for her Maſter, the Witneſs telling him that he was at home, but Buſie. So ſhe took the Letter and gave it him, the man ſtaying a while, and then deſiring an Anſwer; the Witneſs telling her Maſter as much. *Prethee tell him* (ſaid he) *I don't underſtand the meaning of it.*

A Note brought the Night before.

Lancelot Stringer, being Sworn, declared; that he had ſeen Mr. *Prance* in Company with Mr. *Green*, Mr. *Hill*, Mr. *Fitz Girald*, and Mr. *Kelly*, at the *Plow*, ſeveral times; and that he knew *Vernat*: *Hill* acknowledging as much; and that he knew *Girald*: and *Hill* being charged with denying that he knew *Kelly* before; *Hill* excuſed it that he knew him by ſight, as one that much uſed the *Chappel*. *Stringer* was a ſervant to *Vincent* the Maſter of the *Plow*; where he came to live at laſt *Bartholomew*.

Stringer proved their meeting at the *Plow*.

Mr. *Vincent* was Sworn; who ſaid that he knew *Green*, *Hill*, and *Berry*, and that they had been at his houſe with *Prance*; and likewiſe that he knew *Girald*.

Richard Cary Sworn,

Who Depoſed that he was ſent for by three Gentlemen to the *Queens Head*. That he went up to them; and they examined him, if he knew *Poplar*, and one Mr. *Dethick*; and he told them that he thought he knew the Gentleman, but that he knew the place very well: So they gave him a Letter for *George Dethick* Eſq; at *Poplar*; and charged him to be ſure to give it to his own hand and not to any other body. The Witneſs carried the Letter, and delivered it to the Gentleman; telling him whence it came. So he lookt upon it; and bad the Witneſs tell them, that he would come to them preſently: So the Witneſs returned and found the Gentleman there ſtill that ſent him. They gave him a Glaſs of Wine and paid him, and ſo he went away. *Cary* ſaying that *Prance* looked like one of the three, and *Prance* affirming *Cary* to be the man that was ſent.

Caries Evidence upon the meeting at the *Queens Head*.

Evans, a Boy of the *Queens Head*, was Sworn; who depoſed that ſome two or three months ſince, there was ſome Company at his Maſters, that they read a paper there; and that Mr. *Dethick* came to them. That they had a Barrel of Oyſters, and a Diſh of Flounders to Dinner. That he heard them name Sir *Edmond Godfrey*; and that one of them found him at the door and threatned to kick him down Stairs.

The Drawers Evidence of that *Tavern*.

Sir *Robert Southwel* Sworn; who depoſed that attending the Council *December* the 24. Mr. *Prance* was examined about Sir *Edmond Godfreys* murther: and that his information having ſo many particulars in it, of ſuch a *Bench*, ſuch a *Corner*, *Room*, *Paſſage* and *Gallery*; The Board not underſtanding it, the King directed the Duke of *Monmouth*, Lord of *Oſſory*, and Mr. *Vicechamberlain* to the Queen, to repair to the place and there take Mr. *Prances* examination, and report it to the Board; and this Witneſs waiting upon the Lords, took the Examination, and drew it

Sir *Robert Southwels* report of *Prances* Examination.

A Relation of all the Circumſtances delivered by *Prance*, and how the body was removed and diſpoſed of.

it up into a *Report*; which was ſigned by the two Honourable Lords, and read that Afternoon at the Board. Mr. *Prance* ſhewed the Lords the Bench they ſat upon to wait Sir *Edmond Godfreys* coming; the Corner they lugged him unto, when they had killed him, the *Stairs* where *Berry* was to ſtay, a Little Door with a Stair Caſe at the Stables end; a long dark Entry with a door, and eight ſteps, that led to Dr. *Godwins* Lodgings; up two ſteps on the right hand, there was a kind of a Cloſet with a Bed in it, and Mr. *Prance* told the Lords, that, firſt, they got him thither, and left him in *Hills* charge for two nights; the Witneſs there preſent, and every thing agreeing with Mr. *Prances* relation to the Council; and to what he now delivered in Court; only that his Relation was now inlarged, and that the Lodgings which he took to be Sir *John Arundels*, were not capable of any perſon of Quality. Mr. *Prance* went thus far ready and directly; but coming to examine the place whither they had carried the body, he ſaid it was ſomwhere by the Garden. There is a long dark Entry that opens into the Outer Court; he paſt through that, and then over the Quadrangle to the Piazza; and then went down a pair of Stairs, ſaying *Thus far we are right I am ſure*, There is a large ſquare Court below; and there he began to doubt; but yet went on, and ſo paſt into divers Rooms on the other ſide of the Court; and then up Stairs again, and into other Rooms; but ſtill at a loſs in what Room it was that he ſaw the body: only certain that he had been in that place; the Witneſs ſtill referring himſelf to his Report. Sir *Robert Southwel* now produced the Minutes he had taken upon theſe mens Examinations wherein it appeared, that *Hill* was Examined, that he confeſt he knew *Girald*, but not *Kelly*; *Hill* then interpoſing, that he knew one *Girald* who was not a Prieſt, and that he did not know *Girald* the Prieſt.

Berries pretended Orders not to admit any body.

It was charged upon *Berry*, the ſaying that he had Orders not to admit any Strangers or perſons of Condition into *Somerſet-Houſe* for two or three days; and that the P. coming thither, was not ſuffered to enter; and that he never had any ſuch Orders before. To which *Berry* replyed that the P. might have entred if he had pleaſed; that it had been proved (as was acknowledged by the Court) that five or ſix had gone in before. That he had an order only for two days, as he remembred, and that he had had ſuch Orders formerly. But there being no ſuch Orders produced, the Court reflected upon the pretence as the beſt Artifice they could invent to keep the deſign private.

The Witneſſes for the Priſoners.

The Priſoners were now called upon to ſpeak for themſelves, and produce their Witneſſes: *Hill* calling upon God to bear him Witneſs that he was perfectly innocent.

Mary Tilden gave Evidence for *Hills* good behaviour.

Mary Tilden informed that *Hill* had lived ſeven or eight years with her Uncle Dr. *Godwin*; and that he ſeemed to be always a truſty ſervant, kept good hours, and lookt to their houſe in her Uncles Abſence; and was always within by Eight at Night, ever ſince laſt *April* when they came laſt into *England*. That the Witneſs was in the houſe when Sir *Edmond Godfrey* was killed: That ſhe heard of the murther in the Town on the *Wedneſday*; that ſhe herſelf was never out after Eight a Clock, nor *Hill* neither: for he waited at the Table; and that conſtantly the Maid barred the door upon his coming in, ſo that he went out no more that Night: That he was at home the *Saturday Night* when Sir *Edmond* was murthered, and the next Night, and every Night ſo long as the Witneſs was in Town; and that ſhe herſelf was at home the *Wedneſday Night* beforementioned. That ſhe was the more poſitive becauſe they kept conſtant Supper time, and the doors never opened

opened after; beſides that the Lodgings lay ſo, that no body could go in or out without being taken notice of, that the Maid kept the Key of the Houſe and not *Hill*. Mr. *Prance* then informed the Court that Mrs. *Broadſtreet* would own but one Key at firſt, but before the Duke of *Monmouth*, ſhe ackowledged ſix or ſeven, to which Mrs. *Tilden* anſwered that there was onely one Key which ſecur'd that door. The Witneſs being askt when ſhe was out of Town; anſwered in *October*; but being told that this happened in *October*, her anſwer was that ſhe miſtook the month. Mrs. *Broadſtreet* being askt what time, anſwered in *September*, and then Mrs. *Tilden* recollecting herſelf, ſaid in *September* too, and that whiſe ſhe was in Town there was not a day but ſhe went into the Little Room, mentioned by *Prance*, upon ſome occaſion or other; Mrs. *Broadſtreet* ſaid they came to Town the *Monday* before *Michaelmas*, affirmed the good hours they kept, and that nothing could be brought in, but they in the Houſe muſt know of it. Sir *Robert Southwel* then deſcribed the place, that it was very little, and over-againſt the Dining Room; and that it was a ſmall ſquare Room, where the body was laid, at the Stairs head. Mrs. *Broadſtreet* adding that the Key was never out of the Door; and people conſtantly going into that Room. Mr. *Prance* informed that Mrs. *Broadſtreet* told the Duke of *Monmouth* that *Hill* had left his Lodgings before that time. And Sir *Robert Southwel* ſaid that there had been ſome diſpute about it; *Prance* would have it to be a fortnight after, and *Hill* affirming that he was dealing with his Land-Lord the very *Saturday* that Sir *Edmond Godfrey* was wanting. And that from that time, it was a week or a fortnight before he removed. But it was urged that *Hill* pretended that he was gone before. Mrs. *Broadſtreet* averring that *Hill* left the Lodgings a fortnight after *Michaelmas*. Sir *Robert Southwel* informing that the ſaid *Hill* went away only three or four days after. Mrs. *Tilden* ſaid further, that the place was ſo ſtreight, that upon an occaſion of Viſits the Footmen always waited in that Room.

Mrs. *Broadſtreet* ſeconds the former Evidence.

Katharine Lee did then inform that ſhe lookt to ſee the Doors Locked every night; and the Parlour ſafe, and that ſhe never miſt him; and that every morning, before ſhe went to Market, ſhe went into the Chamber, or called every day at the Door, and that ſhe always went to bed laſt. Being asked if *Hill* might not ſlip out, and ſhe never know of it; her anſwer was that ſhe did not always watch him. But Captain *Richardſon* informed the Court that the ſervants keeping below Stairs in the Kitchin, and there being ſo many Keys, people might go in and out and they never the wiſer.

Katharine Lees Evidence, the ſervant of Mrs. *Tilden*.

Daniel Grey was called and informed that he was with his Brother *Hill*, from *October* the eighteenth to the two and twentieth or three and twentieth: that at Nine or Ten at Night they uſed to go to Bed, but he did not ſee him, when he went to Bed. That the Witneſs lay at his own Houſe, that *Hill* agreed for his Houſe *October* the eighth, but it was about the twenty firſt, that he went thither; and that they lived a matter of a Bow-ſhot a ſunder.

Daniel Grey gives Evidence for his Brother *Hill*.

Robert How informed, that *October* the fifth Mr. *Hill* deſired him to view a Houſe that he was a taking, to ſee how it was in repair, and that they went and treated with the Land-Lord; appointing *Tueſday* morning, being the eighth, to meet again. That the Witneſs wrought there every day, from *Wedneſday*, Twelve days and a half: and that Mr. *Hill* was there every day. That on *Saturday* the twelfth Dining together, they parted about One or Two a Clock; Mr. *Hill* (as he ſays) toward *Covent-Garden*, and this Witneſs

Robert How gives an account how *Hill* diſpoſed of himſelf.

neſs to his Work: This Witneſs told him that Mr. *Hill* had been there again about Four a Clock, but the Witneſs was gone firſt. Where he was that Night the Witneſs could not ſay; but that he ſaw Mr. *Hill* about Nine or Ten in the morning, and that he ſtaid till Two.

Mr. *Cutler* and Mr. *Laſingby* to the ſame effect.

Mr. *Cutler* informed that *Hill* was with him at his Houſe from Four or Five in the Evening till Seven or Eight: when his Wife called him to Supper, and the Witneſs never ſaw him from that time till the day after he was taken.

Richard Laſingby informed, that on *Saturday*, *October* the Twelfth about Noon, he was with Mr. *Hill* at the door; that he Dined with him, and *How*, and that upon *Wedneſday Night* he ſaw him from Five to Seven and not after.

Archibald ſeemed glad for *Prances* Diſcovery.

Archibald was Examined, and informed, that upon *Munday Night* having occaſion for one *Grey*, a *Taylor*, he found him at *Hills* Houſe: and *Grey* asking *what News*, the Witneſs anſwered him *very good*, for *Prance* was ſeized for killing Sir *Edmond Godfrey*. To which *Hill* replyed that he was very glad of it, and wiſhed them all taken; and the next morning the Witneſs heard that he was taken out of his Bed. Why then, ſaid *Hill*, if I had been guilty I could have made my eſcape.

Greens Wife called her Witneſſes.

James Warrier informed that *October* 12. *Green* was at his Houſe from betwixt Seven and Eight till after Ten, it was upon a *Saturday*, and he remembred it exactly by his Work. That he bethought himſelf of this about a month after the murther; and that *Greens* being taken up made him reflect upon it. It was but Fourteen days that he had been in the Witneſſes Houſe before he was ſeized, he was not ſeized there neither. It was objected that he was not charged with the death of Sir *Edmond Godfrey* till *December* 24. but only for refuſing the Oaths: So that that could not put him in mind of Sir *Edmond Godfreys* buſineſs.

Mr. *Warrier* and his Wife gave Evidence where Mr. *Green* was.

Mrs. *Warrier* informed that upon the day that Sir *Edmond Godfrey* was miſſing, Mr. *Green* ſat in the Witneſs Quarter, till *Nine a Clock*, and then went up to his Chamber, the Witneſs and her Huſband with him, and there ſtaid the beating of the *Tattoo* and that this was the *Saturday* fortnight after *Michaelmas*.

Mr. *Ravenſcroft* teſtifies his knowledg of *Hill*.

Mr. *Ravenſcroft* informed, that *Hill* had ſerved his Elder Brother for Thirteen or Fourteen years very faithfully: and that at laſt he married a Maid-ſervant in the Family. That hearing of one that was ſeized about the murther of Sir *Edmond Godfrey*, the Witneſs was well pleaſed to hear it; that paſſing from his Fathers Houſe in *Holborn* homeward toward the *Savoy*, he ſaw *Hill*'s Wife at her own door, and ſhe told the Witneſs that ſome body had been there that ſaid *Prance* had diſcovered divers of Sir *Edmond Godfreys murtherers*; who askt her if her Husband knew any thing of it. They uſed to be much together (ſhe ſaid) and perhaps that made them talk; but for her Husband he defied *Prance* and all his Works, telling the Witneſs likewiſe that he was then in the Houſe, which made the Witneſs hope he was innocent, becauſe he did not fly. The Witneſs declaring ſuch a deteſtation of the Fact, that rather than he ſhould eſcape if he were guilty, he would be the Executioner himſelf.

Corporal

Corporal Collett Informed, That upon *Wedneſday*, *October* the 16*th*, he placed one *Nicholas Trollop* Sentinel at the *Strand-Ward*, within the Wicket; he was upon Duty from *Seven* to *Ten*, and then was relieved by *Nich. Wright*; who ſtaid till *One*. The Sentinels being placed by the *Porters* order; not *Berry*, but One that uſed to carry Orders. Corporal *Collet* and the *Sentinels* Examin'd about the *Chair*.

Trollop Informed, That while he was upon his *Poſt*, a *Sedan* was brought in and ſet within the Gate; he took it to be empty, but had no order to refuſe any Body's entrance: *Collett* declaring, that there ſtands a *Sedan* empty every night; and *Trollop* affirming, that there went none out in his time, for he was never half a Pikes length from his place; that he did not drink one drop; and that he remembred every thing particularly, for he had been already twice before the Committee. *Wright* alſo ſaid there paſſed none in his time; and *Trollop* Evidencing, that it was brought in when he was upon Duty, but not carried out again.

Gabriel Huskes Informed, That he was on from *One* to *Four*, *October* the 16*th*; that he neither drank at *Berries*, nor ſaw him.

Then *Eliz. Minſhaw* Informed, That Mr. *Berry* (her Maſter) *October* the 16*th* was the whole Forenoon about the Gates; and after that, as he ſaid himſelf, went to *Bowls*. It was duskiſh when he came home; he went to Bed about 12, and was not one hour abſent. That this Witneſs went about *Twelve* to Bed alſo, and ſaw him no more that night: ſo that ſhe concludes he was in Bed, becauſe the paſſage to his Chamber was through hers. It was then demanded of *Prance*, what made him deny what he had ſaid? who Anſwered, that he was afraid of loſing his Trade, and that he had not as then his Pardon. Mr. *Prance* was then asked at the Inſtance of Mrs. *Hill*, if he had not been tortured to make him ſay this; for it was the talk of the Town, and he was heard to cry out? who declared himſelf, that Capt. *Richardſon* had uſed him very kindly, and let him want nothing. Upon *Prances* denial of this, Mrs. *Hill* exclaimed, that the Witneſſes were not duly Examined; and ſo called Mr. *Chevins*, who could ſay only this, That he had heard Mr. *Prance* deny all.

The *Kings Council* having heard the Priſoners and their Witneſſes, ſumm'd up the Evidence: And the *Lord Chief Juſtice* gave directions to the Jury; who brought them All in Guilty, and they receiv'd Sentence, the day following, to be ſeverally hang'd by the Neck till they were dead. And upon the *One and twentieth* of the ſame Month they were accordingly Executed. The *Priſoners* all found Guilty of Murther.

THE HISTORY OF THE Charge and Defence OF Sr. George Wakeman, William Rumly, William Marshal, and James Corker.

The *Cause* of *Indictment.*

ON the *Eighteenth* of *July* 1679, Sir *George Wakeman*, *William Rumly*, *William Marshall*, and *James Corker*, were brought to their Trials at the *Sessions-house* in the *Old-Baily*, upon an Indictment for Conspiring the Death of the *King*, and the Subversion of the *Government*, and the *Protestant Religion.* But *James Corker* was first brought to the Barr, having been arraigned the former Sessions. The Jury being Sworn, and Admitted without Exception, the Kings Council (as is usual) opened the Indictment, and Mr. *Dugdale* was first produced and Sworn. And first as to the Plot in *general*,

Mr. *Dugdale* drawn into the *Plot.*

Mr. *Dugdale* deposed, That he had some inckling of the *Plot* Seven years ago, but that *Ewers*, *Gavan*, *Peters*, *Leueson*, &c. had more particularly acquainted him with it, about two years since, and drew him into the Design upon the Government and Religion, and upon killing the *King*; and the Duke of *Monmouth*. That all *Harcourts* Letters were directed to the VVitness, Eight or Nine at a time; and almost all of them were concerning the *Plot*.

The scope of *Harcourts* Letters.

The scope of the Letters were to Instruct *Ewers* how to proceed towards the getting of Money, and engaging the Gentlemen of the Country, to serve as *Officers* in the Army, which was to be raised upon the death of the *King*. That he saw Receipts from St. *Omers* of Money paid to that end. That he received a Letter directed to himself, which came from *Harcourt*; but who wrote it he could not say, or if it had any date or no; only he supposes that it came from *beyond-Sea* to *London*, and so to him. It gave Caution to say nothing of Arms, till the King was dead. He deposed a Correspondency thrice a week betwixt the Conspirators in *London* and the *Staffordshire Agents*: and in a Letter from *Whitebread*, *Ewers* was charged to choose *stout* and *hardy* men, with this expression in the Letter, *To kill the King*; which Letter was sent by the Common Post, and superscribed to Mr. *Dugdale*, who vvas Sworn to Secrecy by Mr. *Ewers* at least ten times. And the Witness took the Sacrament upon it.

Bold Letters sent by the *Common Post.*

He

He depoſeth alſo, That *Gavan*, *Leueſon*, *Ewers*, and my *Lord Staſford*, would have had the Witneſs deſtroy the *King* by Shooting, Dagger, or the like; not ſo as to do it directly himſelf, but to come to *London* for directions how to do it; where Mr. *Ireland* was to have him in his Care; and that he was to have come in *October* laſt, the Reſolution being taken the *July* before. This VVitneſs alſo depoſed, That the *Lord Stafford* promiſed him *Five hundred pounds* in hand upon his coming to *London*, in *October*, for an Incouragement; but that a more conſiderable Reward was to follow, and that he ſhould have come to *London*, if it had not been diſcovered. Several *Deſigns* upon the *King*.

He depoſeth further, That he found *Ewers* reading a Letter from *London*, with theſe words in it, *This very night Sir* Edmond-Bury Godfrey *is diſpatch'd*, and that it was dated the very Night that he was killed; *Ewers* ſhewing the Priſoner the Letter, and telling him alſo, that Sir *Edmond-Bury Godfry* was grown too Inquiſitive into the Plot, and it would be well to take him off. Depoſing alſo, that Mr. *Ewers* ſhew'd the Priſoner the Letter to comfort him, that one Enemy was gone; and the VVitneſs reporting it again to the *Miniſter* of the place. The Letter about Sir *Edm. Godfrey*.

He depoſed further, That the *Proteſtants* were to be deſtroyed; and that they had great confidence in the VVitneſs: he having given them *Four hundred pounds*, and promiſed another Hundred to pray for his Soul; and Land made over to Mr. *Girald* to raiſe the Money upon the Sale. Mr. *Dugdale* gives 400 *l.* to pray for his *Soul*.

Mr. *Corker* demanded, from whom the dangerous Letter before mentioned came? and the VVitneſs not preſently recollecting it, the Priſoner appealed to the *Court*, upon the Improbability of ſending ſuch a Letter by the *Common Poſt*, and yet no appearance either *to* whom, or *from* whom it came. But Mr. *Dugdale* rendred an Account of other Letters; one from *Paris* to St. *Omers*, and *thence* to *London*, and ſo to *Tixall*; where it was read in the preſence of the Priſoner, by the Lord *Aſton* and Mr. *Ewers*: It was ſubſcribed *J. W.* and thought to be from Sir *John Warner*; that it was dated from *Paris*, whence they adviſed the caſting of it on the *Presbyterians*, after the Death of the *King*, which would make the *Church of England men* fall in with the *Papiſts*, to deſtroy the Party. This was the *Paris* Letter; and the *London* Letter approv'd the *Advice* with ſeveral Lords hands to them, in allowance of the deſign of killing the *KING*; and raiſing an *Army*. *Corkers* Objection againſt that Letter. Mr. *Dugdales* Anſwer.

The Priſoner asked, if it were dated from St. *Omers*? and Mr. *Dugdale* reply'd, that in the Pacquet from St. *Omers* there were three Letters, *Paris*, St. *Omers*, and *London*, one from each; and all in one Cover, being cover'd in *Groves* Pacquet: The Witneſs averring, that he himſelf was to be of the party that ſhould kill the *King*, in *October*. The Priſoner here made a reflection, that Dr. *Oates* mentioned only *Three* deſigns to kill the *King*, by *Grove* and *Pickering*; by the *Ruffians*, and by *Poyſon*: and that now a *fourth* was found out in *October*, when the Deſign was charged upon *July*, or *Auguſt*? But it was reply'd upon him, That there might be more *Plots* than Docter *Oates* knew of. *Corkers* Objections to the *ſtory*.

Mr. *Marſhall* offer'd, That the Witneſſes Teſtimony was ſuſpicious, even from the multitude of Perſons employed and intruſted; and nothing done upon it, where yet a few might have done the buſineſs. The Priſoners were here ordered to wait their time without interpoſing, that the

the Kings Evidence might be first heard: whereupon the Prisoners desired Pen, Ink, and Paper, which was granted them; and so the Court proceeded. It was much wondred that any Body should write by the *Common Post* about killing the *King*. To which Mr. *Dugdale* Answered, That in case of Discovery it was to be cast upon him, and that he was under an *Oath* to deny it: Affirming, that the very words were *for the killing of the King*; without any Superscription to *Ewers*, or Name to the Letters. The Prisoners joyned in admiration, at the folly and madness of any man in putting such words in a Letter.

Why by the *Common Post*.

The *Black Cross* upon *Whitebreads* Letter.

Mr. *Dugdale* proceeded, That *Whitebread's* Letter was directed to himself, and that it came in Company with others: that there was a *black Cross* upon what he was to deliver to *Ewers*; and that he was to disperse them where they were to go. But being ask'd by what mark he should know whither to send them? The Witness answered, that Mr. *Ewers* knew their hands, and what every thing meant, and for whom it was. To the Question of *how many Letters*? the Witness answered, that in two years he believed he had a Hundred, and Mr. *Rumley* asking him from how many persons? and wondring that he had none of them to produce; Mr. *Dugdale* answered, That there were a great many from Sir *John Warner*, and that so long as he intended to go on with the *Plot*, he burnt them all; but that he had spoken what he could remember. He deny'd the seeing of any *Commissions*, but affirmed that he spake with some that were to be *Officers*.

Fifty thousand Men to be arm'd.

Mr. *Prance* deposed, that some *three* weeks before *Michaelmas*, he heard *Fenwick* and *Grove* at Mr. *Irelands* Chamber talking of raising 50000 Men, and settling *Popery*: Mr. *Fenwick* saying, that it would be easily done, and encouraging the Prisoner (being a *Silversmith*) with the hope of work enough, about *Crucifixes*, *Candlesticks*, &c. naming the *Lords* that were to Command the Army: And after that he was told of *Commissions* given out. He deposed further, That my Lord *Arundels Butler* told him, that one *Messenger* was to murther the *King*, and this Witness meeting Mr. *Messenger*, and asking him the Question, he was surprised at it, and said to this Witness, *Pray keep Counsel, for we are off of that now*.

Mr. *Jennison's* Evidence against *Ireland*.

Mr. *Jennison* deposed, That in *June* (78) upon a discourse with Mr. *Ireland* in *Russell-street* about Religion (his Sister Mrs. *Anne Ireland* being by) Mr. *Ireland* spake as if the *Romish* Religion would be quickly settled in *England*, for there was but One stood in the way; and the *King* might be easily poyson'd. Whereupon this Witness speaking of it as a horrid thing, Mrs. *Ireland* asked her Brother why he talkt at that rate? and he qualified the matter as a thing which he thought should not be done: And then the Witness minding him of the *Gunpowder Treason*, he said, it was only a trick of *Cecils*. The Witness being at that time a *Roman Catholick*, but since Converted.

Mr. *Ireland* positively *Here*, *Aug.* 19.

The VWitness deposeth further, That he saw Mr. *Ireland* positively on the 19*th* day of *August*, being then newly returned from *Windsor*, as he remembers punctually, upon very particular Circumstances. The *Court* looking upon this Evidence as a most eminent Confutation of what *Ireland* affirmed at his death: which was, that betwixt the *third* of *August*, and toward the *middle* of *September*, he was never in Town, but all that time in *Stafford-shire*. Mr. *Jennison* then proceeding, That upon the 19*th* aforesaid, he saw Mr. *Ireland* draw off his *Boots* at his own Chamber, upon the *Frame of a Table*, as the Witness remembers, being come post (as he said) out of *Stafford-shire* betimes that Morning. That the VWitness telling him (upon his question where he had been,

and

and what news?) that he had been at *Windſor*, and that the King was early up in a Morning, went a *Fiſhing* and *Hawking*: the VVitneſs telling him, of his own accord, that his Majeſty had but very little Company with him. Mr. *Ireland* reflected upon the *Kings* going ſo thinly guarded, ſaying, that he *might be eaſily taken off*. The Witneſs replying, *God forbid*: and then Mr. *Ireland* ſmoothing it over, this Witneſs thought no more on it, till the Plot was diſcover'd; and then he told his *Father and his Siſters* this diſcourſe, ſaying, that it was very ſuſpicious. This VVitneſs was very ſure it was the 19*th*, and knew Mr. *Ireland* very well, having been acquainted with him a year and an half: And he went out of Town *September* the 4*th* into the *North*. Mr. *Corker* asking the VVitneſs, when he turned *Proteſtant*? and objecting, that he did not forſake his Religion till he found it might be for his advantage.

The *King* eaſily *taken off*.

Mr. *Bowes* was then Sworn; who declared, that he ſaw Mr. *Jenniſon* in *Tunbridge* about the beginning or middle of *Auguſt*: That he went then from *Tunbridge*. That the VVitneſs went to *Windſor*, *Auguſt* the 12*th* or 13*th*; and that Mr. *Jenniſon* came to *Windſor* when the Witneſs was out of Town.

Mr. *Burnett* depoſes, That about the middle of *Auguſt*, (the very day *of Dachett-Horſe-Race*) he met Mr. *Jenniſon* on his way to *Windſor*. The *Court* declaring this to be a point, that did not concern the Priſoners, but to ſhew the falſity of *Irelands* affirmation.

Dr. *Oates* then made Oath, That Mr. *Aſhby* coming ſick to Town in *July*, Sir *George Wakeman* preſcribed him a courſe, how he ſhould govern himſelf both before he went to *Bath*, and There. That he ſhould take a pint of Milk morning and evening, and drink nothing elſe in the Morning; and at the *Bath* to have a hundred ſtrokes at the *Pump*: Sir *George* telling him in this Letter *who* would help him to poyſon the *King*. Some two days after, the VVitneſs ſaw Sr. *George* lay by his Pen, and leave the Paper upon the Table with the Ink wet upon it, which was an *Apothecaries Bill*, (as he ſuppoſed) and the ſame Character with the Letter to Mr. *Aſhby*: and the VVitneſs ſwears, that as Sir *George* wrote, Mr. *Aſhby* diſcours'd to him of a *Commiſſion* received for *Phyſitian* to the *Army*; which the Witneſs ſaw at Mr. *Aſhby's* in Sr. *George's* hand. He depoſed further, That he heard *One* promiſe to help Sir *George* in the promoting the *Catholick Cauſe*, and in the poyſoning of the *King*; and that he heard *Aſhby*, in the *Provincials* Name, offer 10000 *l.* to Sir *George* for his reward. This was in *July*: *Harcourt*, *Fenwick*, *Ireland* and the *Witneſs* preſent.

Dr. *Oates's* Evidence againſt Sr. *G. Wakeman*.

He depoſeth, that Sir *George* ſaid, That *it was not enough for poyſoning the King*, and ſo refuſed it; and that the Fathers met on purpoſe to deal with Sir *George* about it, before Mr. *Aſhby* went to the *Bath*, and that upon Sr. *George's* Refuſal, they acquainted Mr. *Whitebread* with it; who preſently gave the *London-Fathers* Commiſſion to offer 5000 *l.* more; which, as this VVitneſs is informed, was accepted, and 5000 *l.* of it paid down: The VVitneſs having ſeen Sir *Georges* Name ſubſcribed to the *Entry-Book*; wherein was ſpecified ſuch a propoſal to Sr. *George*, with his Acceptance of 5000 *l.* and Receipt in part of 15000 *l.* the Receipt from *Harcourt* by *Colemans* Order; and the *Goldſmith*, as this VVitneſs remembers was *Stayly*, Sir *Georges* hand to the Receipt, with a *Memorandum* of the day (in *Auguſt*) when it was propounded, and accepted. The *Entry-Book* it ſelf being in the *Fathers* cuſtody, at *Wild-houſe*; but who kept it this VVitneſs could not ſay; only that Mr. *Langhorne* had it ſometimes, and that the Acceptance and Receipt were entred the ſame day.

Concerning the 15000 *l.*

Sr. *G. Wakemans* Letter.

Dr. *Oates* ſaith not that he ever ſaw Sr. *George* write, but that he ſaw him lay aſide a Pen, and a Paper newly written, and no body by that could write it but himſelf. And Sr. *George* charging him with declaring, that he did not know the Priſoners hand; the *Doctor* affirmed, that a Letter that he ſaw ſigned *G. Wakeman*, was the ſame hand-writing with that of the *Receipt*, and the *Phyſick-Bill*. Sir *George* demanded a poſitive Anſwer, If the VVitneſs had not deny'd the knowledge of his Hand, and the knowledge alſo of his very Perſon, before his *Majeſty* and *Council*? To which Dr. *Oates* made Anſwer, That he was ſo doz'd with ſitting up, and his Intellectuals ſo diſordered for want of ſleep, that perhaps he might ſpeak ſhort before the *Council*; but now that he had light to ſee Sr. *George's* face, he could ſay more to him. The *Doctor* affirming the Priſoner to be the ſame *Gentleman*, and deſiring that what he had to ask might be put to the *Court*; the *Doctor* not calling to mind *whether he ſaid he knew Sir* George, *or not:* but affirming this to be the perſon that was called Sir *George Wakeman*, but not able to ſay that it was the perſon that attended the *Council*, when the VVitneſs was there. The *Doctor* depoſing likewiſe, that he ſaw Sir *George* two ſeveral days at Mr. *Aſhbyes* Chamber; and that he never ſaw him before, and but once after, which was at *Wild-houſe* when the 10000 *l.* was offer'd; where Mr. *Aſhby* lay in *July*, before he went to the *Bath*, which was about the end of *July*, or beginning of *Auguſt*; his ſtay in Town being about *fourteen* or *ſixteen* days.

The Doctor charg'd with a *Contradiction.*

Doz'd with ſetting up.

Sir. *G. Wakeman* not committed by the *Council.*

The Priſoner asking the VVitneſs then, if he knew all this when he was before the *Council*, why he ſaid there that he knew nothing of the Priſoner, but about one Letter from *Aſhby* to *Fenwick*? And objecting, That if this Evidence had been given there, he muſt doubtleſs have been Committed; but the Priſoner was directed, to reſerve what he had to ſay till his proper time; and the *Doctor* referred his Anſwer alſo to its proper place.

Dr. *Oates* againſt *Corker.*

Touching Mr. *Corker*, Dr. *Oates* depoſed him to be a *Benedictine Monk*, privy to the 6000 *l.* raiſed for This deſigne: And that in *Auguſt* laſt he ſent his Conſent out of *Germany*, to the propoſal of raiſing it; being Preſident of the *Benedictines*. That he gave the *Engliſh Monks* in *Paris*, and *La Chaiſe*, an Account how Matters went forward in *England*, and that he had a Patent to be *Biſhop of London*; which the VVitneſs ſaw in his own hands.

That this Letter out of *Germany* he had ſeen, and that it was addreſſed either to *Hitchcott*, or another Father in *London.*

Corker's Letter out of *Germany.*

The Witneſs depoſing moreover, That as he remembers, Mr. *Corker* went over in *July* to *Lamſpring* in *Germany*, but that in *June* he ſaw him with Mr. *Fenwick*, and that upon diſcourſe about ſome body that was behind in his Penſion, Mr. *Corker* gave Mr. *Fenwick* an Order for ſome 20 or 25 *l.* to be received of Mr. *Langhorne*; the Order ſubſcribed *James Corker:* the VVitneſs firſt ſeeing this Order. And another time, his Name to an Examination, which agreed with his Letter from *Germany.* Depoſing further, that the Priſoner diſpoſed of ſeveral parcels of Money, as he ſaid, for the advancing of the *Deſign.*

Privy to the *April Conſult.*

That the Priſoner was alſo privy to the Conſultation of *April*, and excepted againſt the Choice of *Pickering* to kill the *King*, becauſe while he was attending at *High Maſs*, an opportunity might be loſt. That this Exception was at the *Convent* in the *Savoy*, to the VVitneſs himſelf, and at the ſame time, when he gave *Fenwick* his Order for Money: The 6000 *l.* was to be advanced upon the *Benedictines* Eſtates; and the Witneſs believed it was paid, for the *Fathers* acknowledged the Receipt of it,

it, and that though Mr. *Corker* was againſt Mr. *Pickerings* doing of it, he did yet approve of the thing it ſelf.

Dr. *Oates* charged Mr. *Marſhall* alſo with being preſent when the 6000 *l.* was reſolv'd upon, and with *Pickerings* deſign upon the King, making the ſame Exception againſt him with *Corker*; but he could not ſay poſitively that Mr. *Marſhal* was at the *Conſult*. Mr. *Marſhal* charged.

Dr. *Oates* depoſed, That Mr. *Rumley* knew of the Conſult for the 6000 *l.* being either a *Benedictine Monk*, or a *Lay-Brother*: believing that he conſented to it, becauſe he prayed for the ſucceſs; and that this was in *Auguſt*.

The Priſoners being now allowed to make their Objections, Mr. *Corker* inform'd the Court, That *Lamſpring* was not in *Germany* (as the VVitneſs ſaid) but in *Weſtphalia*; and urg'd an Inconſiſtence of that ſtory, and his ſeeing *La Chaiſe*. To which Dr. *Oates* reply'd, that it was uſual with them to ſay they would go to one place, when they went to another. The Priſoners Defence.

Dr. *Oates* call'd one thing more to mind; that *Conyers* laying a wager with another Gentleman, that the *King* ſhould eat no more *Chriſtmas*-Pyes; Mr. *Marſhall* went half with Mr. *Conyers* that he ſhould not. Dr. *Oates* knowledge of Mr. *Marſhall*.

Mr. *Marſhall* ask'd, how long the VVitneſs had known him, and where he had ever been with him? Dr. *Oates* anſwering, that he had ſeen him often at the *Altar*, but had no acquaintance with him: That he had known him off and on two years, but never heard him ſpeak till the time of the wager; but had only a knowledge of him by ſight. Mr. *Marſhall*, ſeeming to admire that the VVitneſs taking him to be in the *Plot*, ſhould never converſe with him. Mr. *Marſhall* demanded the Time, and the Place of the *Conſult*? which the *Doctor* told him was in *Auguſt*, and either the day before or after the *Feaſt* of the *Aſſumption*; and the Place the *Savoy*.

The VVitneſs charged the Priſoner alſo with another Conſult in *Aug.* (of the 21; the former being the 15*th*:) at which time came Letters from *Talbot* of the State of *Ireland*. It was dated from *Dublin*; but it was not tax'd at the *Poſt-Office* as an *Iriſh* Letter. He alſo depoſed, That there were ſome *Benedictines* and *Jeſuites*, and Mr. *Marſhall* in the Company; who agreed, at the ſame time, about ſending Commiſſions for the Army-Officers: The Letter was read at the *Convent*, and the Commiſſions order'd for *Ireland*; and the poyſoning of the *Duke* of *Ormond* was alſo agreed upon. Several *Conſults* charg'd upon the Priſoner.

Dr. *Oates* was ask'd the time of *Pickerings* being taken; and if he himſelf was preſent? who Anſwer'd, that he was taken upon *Michaelmaſs Eve*, or *Morning*, and that he the Witneſs was there. It was demanded of Dr. *Oates*, what *Conſults* he was at? who Anſwer'd, that there were two *Conſults* of the 15*th* and 21 of *Aug.* but that the Witneſs was not at the Conſult for the 5000 *l.* to Sir *George Wakeman*. Queſtions to the Doctor about *Pickering*. And the *Conſults*.

Mr. *Bedloe* depoſed, That about the beginning of *Auguſt* laſt, he, the Witneſs, was at Mr. *Harcourts* Chamber, and Sir *George Wakeman* came thither after, much out of humor; and asked Mr. *Harcourt*, if he had not ſomething for him? Whereupon Mr. *Harcourt* demanding of him, *how he went on*? Sir *George* anſwer'd him ſhort, that that he did not know whether he ſhould go on or no; for he did not love to be trifled with in ſuch a buſineſs? *Stay Sir* George (ſays Mr. *Harcourt*) *things are better than you imagine*; and ſo took ſome Papers out of his Cabinet, and a ſmall Bill, asking Sir *George* what readineſs he was in; *for* (ſays he) *we have been ready a good while*. Sr. *George* asking *Harcourt* what that Bill was? he ſaid it was a Bill of 2000 *l.* from a Perſon whom this VVitneſs has Sr. *G. Wakeman*'s Bill for 2000 *l.*

has forgot, and drawn upon a *Goldſmith* (as he believed) ſomewhere near *Temple-Barr*. That Sir *George* reading it, and diſcourſing upon it, enquired of Mr.*Harcourt*, who this VVitneſs was? Mr. *Harcourt* telling him, that it was a Friend had been long in the Plot, and was to have a very great part in it himſelf. Sir *George* then telling him (as this VVitneſs depoſes) that if the Bill were accepted, he ſhould hear from him ſuddenly; and ſo he went his way: This VVitneſs going preſently after him; and meeting Sr.*George Wakeman* again, betwixt the *Queens-head* and *Chancery-lane*; from whence the VVitneſs concluded it to be near *Temple-barr*, (Mr. *Harcourts* Lodgings being but in *Duke-ſtreet*,) Sir *George* told the VVitneſs, That the Bill was accepted, and that Afternoon the Money ſhould be paid. This Deponent affirming, that he had known Sr.*Geo.* a matter of 5 years, though not much acquainted with him.

Two thouſand pounds for the preſent, in part of *more*.

He depoſeth further, That upon asking whether or no This was in part of the 15000 *l.* Mr.*Harcourt* made Anſwer, that it was only for the preſent; the other being not ſettled as yet: But the VVitneſs affirms, that ſhortly after it was made 5000 *l.* and that Mr.*Harcourt* told the *Deponent*, that it was all upon the ſame account: And if *Windſor* and *This* ſhould both fail, the work would be done at *New-Market*.

Letters and Diſcourſes about the *Plot*.

Mr.*Bedloe* depoſed, That he had been once in Company with Mr. *Corker*, *Keines*, and *Le Fevre*, at *Somerſet-houſe*; and that he did not hear any thing from Mr.*Corker*, that pointed directly at the Murther of the *King*; but that he heard *Corker* and *Le Fevre* talking in general about the Plot, and Letters of Intelligence; and talking of raiſing an Army, and who were ſent to agitate in the Country; what Intereſts they had made, and the like. And this was about *July* was *Twelvemonth*.

How Mr. *Bedloe* knew Mr.*Marſhal*

Mr.*Bedloe* moreover depoſeth, That he knew Mr. *Marſhall*, when he ſaw him in the *Gate-houſe*; and that he had been in his Company in *Latham*'s Chamber ſeveral times; that he carried ſeveral Letters to the *Catholick Party* that were in this Deſign; which Letters this Witneſs brought over from beyond-Seas; and more particularly one to Sr. *Fra: Ratcliffe*. That all the Letters this Witneſs brought to the *Fathers*, ſpake to the point of *Subverting the Government*, and *Religion of England*. that Mr.*Marſhall* was of the Club, that ſaw the Letters, and examin'd the Anſwers: and that to this VVitneſſes knowledge, the Priſoner ſent Letters twice concerning the deſtruction of the Government, and the bringing in of *Popery*.

Little againſt *Rumly*.

Mr.*Bedloe* could ſay nothing poſitively as to Mr. *Rumly*; but that he had heard of his ſending of Letters, and of his being intruſted when any Secret ones were ſent; but that he could not ſwear Mr.*Rumlyes* privity to any Letters relating to the *Plot*.

Queſtions about Sr. *G. Wakemans* Bill.

Sir *G.Wakeman* ask'd Mr.*Bedloe* what day it was that he ſaw him with *Harcourt* when he read the *Bill*; and how he knew it was for this Mony? and what acquaintance the Priſoner had with the Witneſs? To vvhich Mr. *Bedloe* anſwer'd, that it vvas about the beginning of *Aug.* and he knevv it to be a *Bill*, for the Priſoner read it aloud, and that though the Witneſs had no acquaintance vvith him, yet Mr.*Harcourt* inform'd him vvho the VVitneſs vvas.

Sir *G. Wakeman's* Objection.

Sr.*George* urging, hovv unlikely it vvas that he ſhould put his life into any mans hand at firſt ſight: But Mr.*Bedloe* reply'd, that he vvould have done a great deal more upon Mr.*Harcourts* Security. Adding, that he had forgotten the *Goldſmiths* name, and the Gentlemans who ſubſcribed the Note: alſo affirming, that though Sr.*Geo.* would not own the knowing of him, yet he had been the Witneſſes *Phyſitian* at the *Bath* about 2 years ago. Sir *G.Wakeman* reflecting upon ſeveral marks of Falſhood in the Evidence.

Mr.

Mr. *Marſhall* urg'd Mr. *Bedlow* to ſay when ever he ſaw him, before he came to him in the *Gate-houſe*; deni'd his owning the knowledge of him; and affirmed, that Mr. *Bedlow* acknowledged himſelf a Stranger to the Priſoner; appealing to thoſe in the Priſon that heard it. And likewiſe the Priſoner affirmed, that Mr. *Bedlow*, coming to him, uſed theſe words, *Mr.* Marſhall, *do not fear, for I will not hurt you:* and ſo preſt it upon Mr. *Bedlow* to ſay, where ever he had ſeen him.

The Priſoner denies the Witneſſe's knowledge of him.

Mr. *Bedlow*'s Anſwer was, that he had ſeen him at the *Benedictines* in the *Savoy*; and that the firſt word the Witneſs ſaid upon coming into the *Gate-houſe*, was, *This is Mr.* Marſhall, *that us'd to carry Letters to ſuch and ſuch:* referring himſelf to Sir *W. Waller* to atteſt it.

The Witneſs affirms the contrary.

Sir *W. Waller* gave Evidence, that Mr. *Bedlow*, in his hearing, in the *Gate-houſe*, ſpake to the Priſoner, asking him, *Mr.* Marſhall, *do not you know me?* and Mr. *Marſhall* anſwered, that he did not know him; but yet that he had ſeen him. Mr. *Marſhall* ſuggeſting to Sir *William*, that Mr. *Bedlow* was gone before he came in; and Sir *William* affirming, that he was with Mr. *Marſhall* before Mr. *Bedlow* came in. Mr. *Marſhall* inſiſting upon it, that he was in a private Room with Mr. *Bedlow*; and that Sir *William* asked the Priſoner, in the Common Hall, if Mr. *Bedlow* had not been there; who told him, *Yes:* and that thoſe in the *Gate-houſe* did know that the Priſoner had been private with Mr. *Bedlow* before Sir *William* came in.

Sir *W. Waller* ſpeaks to the point above.

Mr. *Bedlow* depoſed, that going, by Order, to ſee the Priſoner, he met Sir *William Waller*, and went in with him; and that they were onely with the Priſoner in the Common Room; Sir *William* withdrawing to one end of it, while the Witneſs asked the Priſoner ſome queſtions; and Mr. *Bedlow* calling the Priſoner by his name, upon the firſt ſight of him. Sir *William Waller* alſo affirmed, that Mr. *Bedlow* did ask him if his Name was not *Marſhall.*

Mr. *Bedlow* affirms that he knew *Marſhall.*

Mr. *Marſhall* telling Mr. *Bedlow*, that he was firſt with him in a Room on the right hand, where his *Guards* were; Mr. *Bedlow* denied that he knew any ſuch Room: and Mr. *Marſhall* pleaded for himſelf, that he had no proofs there, becauſe he could not imagine that ſuch a thing would have been mentioned. The Priſoner ſaid, that Mr. *Bedlow* came to the *Gate-houſe* a meer Stranger to him: and that Mr. *Bedlow* asking him, *Did not you ſend to ſuch a one to have Mr.* Bedlow *queſtioned about ſuch and ſuch things?* the Priſoner denied it; and the Witneſs did not ſo much as pretend to have any knowledge of him. Beſides, that he might learn his Name from thoſe that took him: For he deliver'd himſelf up a Priſoner, by the name of *Marſhall*, (though he was otherwiſe called *Marſh:*) remitting himſelf to the people in the *Gate-houſe* for the truth of what paſſed there. And that the Witneſs bad him *have a good heart; for he ſhould have an Honourable Bench, and a good Jury.* But Mr. *Bedlow*, on the other ſide, affirmed, that without hearing of his Name at all, he ſaid, as ſoon as ever he ſaw him, *This is* Marſhall, *the* Benedictine: and moreover, that he had ſeen the Priſoner at the *Savoy*, and at other places. *Marſhall* bidding him name any other place, and he would ſuffer Death for it. But Mr. *Bedlow* would not be poſitive in any other place. But that he remembred the *Savoy* more remarkably, as the place of their Conſults about the Letters he carried thither; and that it was there he had the greateſt Converſation with the Priſoner. Mr. *Marſhall* telling the Witneſs, that if he could but make it out by any Creature, that ever he, the Witneſs, was in the *Savoy*, he would ſubmit to be hang'd, without a word ſpeaking. Mr. *Bedlow* replying, Firſt, that he had Witneſſes, though they were not at hand; and then that it was a thing ſworn before the Secret Committees. But howe-

Mr. *Marſhall* denies it.

Mr. *Bedlow* comforts the Priſoner.

Their acquaintance at the *Savoy.*

The Priſoner poſitively denies it.

ver the Witneſs nam'd his Landlord, as one that had been often with him there in the *Convent*; and with his Maid that carry'd the Portmantle with his Letters beyond Seas. And moreover, that he lodg'd ſome *ſix months* in the *Savoy* at one *Woodroff*'s. The Priſoner asking him if it were there that he ſaw him: Mr. *Bedlow* ſaid, No; for onely *Monks* and *Meſſengers* came thither. The Priſoner asking him alſo, if he were preſent at the ſearch of the *Savoy*: he ſaid he was not, but yet that he gave directions to Sir *William Waller* where to look.

The *Savoy* ſearch'd by Dr. *Oates*'s and Mr. *Bedlow*'s Directions.

Sir *William Waller* depoſed, that he had his Directions from Dr. *Oates* and Mr. *Bedlow* where *Pickering* lay, and to ſearch ſuch and ſuch places, and by thoſe Directions he ſearched the *Savoy*: and that this Deſcription was made before Mr. *Marſhall* was ſeiz'd ſome two or three days. Upon which, it was urg'd that ſuch a Deſcription could not be made by one that had not been there. To which Mr. *Marſhall* reply'd, that Dr. *Oates* had ſearch'd there before, and inform'd Mr. *Bedlow*, as might be well enough imagined, both of them joyning in the ſame Charge: and ſuggeſting, how eaſie it was to deſcribe a houſe by *Hearſay*. Mr. *Bedlow* did here declare, that it was he that gave Sir *William Waller* notice to ſearch particularly under ſuch a Bench in *Pickering*'s quarter, for the *Gun* that was made choice of to Kill the King; and the *Gun* was found accordingly.

Mr. *Bedlow*'s Evidence againſt Sir *G. W.* repeated.

Upon ſome queſtion of Particularities in the Evidence, Mr. *Bedlow* was call'd up again to repeat his Teſtimonie about Sir *George Wakeman*; which was to the effect as before, of his being at *Harcourt*'s Chamber, Sir *George*'s coming in, and Mr. *Harcourt*'s taking a Bill of Exchange out of his Cabinet, and ſaying, *Sir* George, *there's a Bill for you*, which I have receiv'd at *White-Hall* to day by the Queen's order. Sir *George* replying upon it, that *he thought his nine years Service of Her Majeſty might pretend to deſerve it*: and that there had been no hurt in't, if the Queen had given him it.

Sir *G. Wakeman*'s Letter to *Aſhby*.

Mr. *Chapman* informed, that one Mr. *Thimbilby* (an Infirm perſon of 80 years of age) brought him recommendations to the *Bath* from Sir *George Wakeman*. This was the 17. of *July* laſt. His buſineſs was, to get a Lodging as near the *King* and *Queen's Bath* as might be; which was done. And then he ſhew'd the Witneſs a Letter from Sir *George*, whereof the lower part was a direction *what* to take, and *how* to govern himſelf at the *Bath*; which was now produced in Court. That the *Latin Bill* the Witneſs kept to himſelf; returning the *Engliſh* part of the Letter to Mr. *Thimbilby*. Declaring, that both *he* and his *Son* read the *Engliſh* part; and that there was no mention of *King* or *Queen* in it, more then of the *King* and *Queen's Bath*.

Produced, and Juſtify'd.

A Paper was then ſhew'd the Witneſs, and a queſtion upon it, If it were Sir *George*'s Hand; the Witneſs ſaying that it was not, having ſeverall of his *Bills* to compare it by. That he knew not of any date or name to it; and that he did not know whoſe Hand it was. It was then conſidered, that the Witneſſe's Paper could not be the Letter Dr. *Oates* reflected upon, having neither Sir *George*'s Hand, nor his Name to't, as was preſum'd of the *Other*. Sir *George Wakeman* then deny'd the writing any other Letter, then that of his Servant by his Dictate, which *Aſhby* carry'd to the *Bath*: and ſaith that Dr. *Oates* had charg'd him before the Lords but with One Letter. And then reaſoning upon it, that if he had been conſcious of any Guilt, he had time enough to make his Eſcape; challenged any man to prove, that he had any thing more to do with *Aſhby*, then as a *Phyſician* with his *Patient*; and alledged, that a *Phyſician* here in the Town would teſtifie, that they two had been joyn'd in Conſultations about him. Sir *George* deſiring the *Jury* to take notice, that he never wrote any other Letter.

Mr. *Chapman*

Mr. *Chapman* was ask'd, if there was any thing of *Milk* mentioned in that Letter; who ſaid, No; and that *Milk* was never preſcribed with the Waters. Dr. *Oates* affirmed, that the Letter he ſaw was in another Hand, a kind of a Gentile Hand. Sir *George* appealing to all the world, that *Milk* was direct Poyſon in the Caſe. But Dr. *Oates* inform'd the Court, that he was to take the Milk in *Town*. Sir *George Wakeman* oppoſing, that it could not be; for he ſtaid but two days after the writing of that Letter. It came then to be conſider'd, that this could not be the *ſame* Letter. Dr. *Oates* confirming it alſo; and that the preſcription of *Milk* was after the firſt line or two of Complement; and that there was nothing of a *Latin Recipe* in it. Sir *George Wakeman* obſerved to the *Jury*, that admitting any other Letter then this in Court, he muſt write two Receipts for the ſame thing; which was very improbable. And that the Reaſon of his Hand not being to it, was, his being ill, and aſleep, when his man (who wrote it over again from a foul Copy) went away with it.

Dr. *Oates* inſiſts upon another Letter.

Mr. *Chapman* repeating the Order of the Preſcription, and declaring that he follow'd it at the *Bath*, for ſix days together; Dr. *Oates* depoſed, that there was no *Bolus* in the other Letter; nor what *Bath* he ſhould go to, as was in This; and that therefore it could not be the *ſame* Letter. Beſides, that it was written above ten days before Mr. *Aſhby* went away. Sir *George* objecting, that there was no need of telling him of his Courſe in the *Bath*, ſo long before he went thither.

Sir *G.* owning One, and no more.

Sir *George*'s Servant inform'd the Court, that telling his Maſter that Mr. *Aſhby* deſir'd Directions for the *Bath*, it being well late, and his Maſter indiſpoſed, he bad the Witneſs take Pen and Ink, and write; and making ſome miſtakes, his Maſter bad him mend it; and ſo he interlin'd the Corrections. That this Witneſs wrote it fair that night, and carry'd it next morning, before his Maſter wak'd, to Mr. *Aſhby*, who was then going for the *Bath*. The Witneſs declaring, that he knew nothing of Mr. *Aſhby*'s drinking of *Milk*, onely that a Friend of his had adviſ'd him to it. But Dr. *Oates* depoſed, that he himſelf was with him, and that he drank it Night and Morning.

Sir *George*'s Servant proves the Letter.

The Witneſſes for the Priſoners were now call'd.

And, firſt, *Elizabeth Heveningham:* who informed, that ſhe was by, when Sir *George*'s Servant wrote the Letter from his Maſter's mouth; and that ſhe ſaw the Letter, and that there was no ſuch thing in it as is ſaid. Wherein the Court was ſatisfy'd as to the Truth of the Evidence, but that this could not be the ſame Letter Dr. *Oates* ſpoke of; for That was written *Ten days* before Mr. *Aſhby* went to the *Bath*. Whereupon Mrs. *Heveningham* affirm'd, that Mr. *Aſhby* ſaid, in her hearing, that he wanted Directions.

And *Elizabeth Heveningham.*

Sir *George Wakeman* pleaded, that he was left at Liberty 24 days after he had been before the Councell: and that upon Dr. *Oates*'s bringing an Information upon the Letter now in queſtion to the Houſe of Commons Bar, they ſent an Addreſs to the Lords, with admiration that the preſent Priſoner was not confined: and that thereupon Dr. *Oates* was ſent for to the Lords Bar, to repeat the Story; and mentioning the Letter Now in debate, he confeſt there, that *he did not know Sir George Wakeman's Hand; and onely knew it to be His Letter, by being ſubſcribed* G. Wakeman. Sir *George* reaſoning upon it, that the Witneſs would have told more, if he had known it, at That Examination.

Sir *G. Wakeman*'s Defence.

Dr. *Oates* depos'd, that Sir *G. W.* was left at liberty, becauſe the Witneſs was ſo weak, and diſtemper'd with watching and toiling about, that he

The Dr. excuſes his Omiſſion before the Councill.

he could not perfect his Charge; and that he (the Dr.) did ſpeak the whole Truth of his knowledge, as far as he was able; denying that he ſaid he onely knew Sir *George's* Hand, becauſe *George Wakeman* was ſubſcribed. Which Sir *G.W.* oppoſed; and offer'd to make good his Contradiction by the *Record*. Dr. *Oates* depoſed, that he could not perfectly remember the very words; but that if the Priſoner prov'd them by an Oath upon the *Record*, it muſt be refer'd to the *Jury*. But to the beſt of his memory, upon asking him about Sir *George Wakeman's* Hand, he ſaid, that he ſaw a Letter ſubſcribed with his Name, and that upon This Information Sir *G.W.* was committed.

Dr. *Oates's* Depoſition againſt Sir *G. W.* before the Councill.

Sir *Philip Lloyd* was called, who informed the Court, that Dr. *Oates* made Oath before the Council, *Sept.* 3. that he had ſeen mention made of Sir *George Wakeman's* undertaking to poyſon the King, in a Letter (as he remember'd) from Mr. *Whitebread* to Mr. *Fenwick* at *S. Omers*: and that *Coleman* had paid Sir *George* 5000 *li.* in part of 15000 *li.* which he was to have. That Sir *George Wakeman* being call'd, and advertis'd of this Charge, he did not onely deny the whole matter, and appear otherwiſe unconcerned; but mov'd it, as a reaſonable thing, that he might have Reparation for the Scandall. This behaviour of his was ill taken, and it was found reaſonable to enquire farther into the matter; but the Evidence coming onely from a *Third-hand Letter*, Sir *George* was not committed. Dr. *Oates* being call'd in again, was demanded what he could ſay of his own perſonal knowledge concerning Sir *George Wakeman*. Upon which queſtion, Dr. *Oates* holding up his hands, *No*, (ſaid he) *God forbid that I ſhould ſay any thing againſt Sir* George Wakeman, *for I know nothing more againſt him.* Sir *Philip* remitting himſelf to the whole Council for the Truth of what he deliver'd. Sir *George Wakeman* minding the Jury, that This was a *Proteſtant* Witneſs; and Dr. *Oates* not remembring a word of the whole matter.

Sir *George Wakeman's* Reply,

Dr. *Oates* explains himſelf.

Dr. *Oates* did very candidly repreſent to the Court, that he onely inform'd the Council as by Report of Sir *George Wakeman's* Receipt of the 5000 *li.* in part: the Council not urging the Witneſs to ſpeak upon his Knowledge. That the Witneſs believed it to be ſo, but would not be poſitive; for in caſe he ſhould have made ſuch anſwer as is informed againſt him, it was known to the whole Board that he was, at that time, hardly *Compos mentis*, and ſcarce in condition to return an anſwer. But that this Witneſs did according to the beſt of his skill, knowledge, and remembrance, acquaint the Board with Sir *George Wakeman's* Letter; but he would not be poſitive.

No mention of Sir *George Wakeman's* Letter, before the Council.

Sir *Philip Lloyd* was then examined as to the Letter: who informed, that he remembred nothing of that Letter; and that afterward, this Witneſs obſerving, in Dr. *Oates's Depoſitions* before the Lords and Commons, an account of ſuch a Letter from Sir *George Wakeman* to Mr. *Aſhby*, found upon the Table, he, this Witneſs, hath often reflected, ſince that time, upon Dr. *Oates's* declaring at the Council, that he had nothing more againſt Sir *George Wakeman*; repeating Dr. *Oates's* Action and Expreſſion, that, *with his hands erected*, he ſaid, *he knew no more againſt him.*

Sir *George Wakeman's* Plea.

Sir *George Wakeman's* Plea, that the Council would certainly have committed him, if this Evidence had been given to the Board, appearing to have ſomething of weight in it; Dr. *Oates* ſought to qualify that, by ſaying, that *they were ſuch a Council as would commit no body.* Which was reflected upon by the Court, as unadviſedly ſaid.

A Copy offer'd of the Lords Records.

Mr. *Lydcot* was call'd, who brought a Copy of the Lords *Records*; and informed, that it was a True Copy, and that *Titus Oates* was ſet in ſeveral places, as to an Information: but whether it was his Hand or not,

Mr. *Lydcot*

Mr. *Lydcot* could not ſay; onely that it was copied from Mr. *Rolph*'s Hand. To all which it was objected, that the Witneſs not being preſent when Dr. *Oates* ſaid this, nor the thing atteſted by the *Clerk* that made the *Entry*, or ſaw him ſubſcribe the Examination; that Copy amounted to no more then a Tranſcript from the *Journall*, which could not be allowed in Evidence.

Mr. *Rumly* was offer'd to have his Witneſſes heard: but the Court finding that he had no need of them, the Priſoner wav'd them. Mr. *Rumly* clear'd.

Sir *Thomas Doleman* made Oath, that Dr. *Oates* appearing before His Majeſty and Councill on the *Saturday*, and attending morning and afternoon, and being employ'd that night upon Searches, the Councill ſitting *Sunday afternoon*, (as the *Deponent* remembred) Dr. *Oates* was then examin'd; and the Council ſitting very long, he was appointed that night to ſearch again, when he ſeiz'd ſeveral Prieſts and Papers; the night being wet having much diſorder'd him. On *Monday morning* he was examin'd before the Council again, and at night in ſo feeble a condition as ever the Witneſs ſaw any man. Sir *George Wakeman* offer'd, that he appear'd upon *Sunday*, and ſo was diſmiſt again, till the King himſelf might have the hearing of the buſineſs the next day. Sir *Thomas Doleman* then proceeded, that Sir *George Wakeman* was then call'd in, and deliver'd ſuch an Anſwer, that the Council very much wonder'd at the manner of it: ſeveral perſons being of opinion, that his Denial was not ſo point-blank as it might have been; inſiſting much upon his Loyalty to the Crown, and Reparation upon a point of Honour. Dr. *Oates* very ill and weary before the Council.

Sir *George Wakeman* inform'd the Court, that being charg'd with Treaſon before the Council, and Dr. *Oates* his Accuſer, he preſſed Dr. *Oates* to ſay if he either knew him, or had ſeen him before. He ſaid, No; but that upon a Conſult at *S. Omers*, where *Aſhby* was *Rector*, Sir *George Wakeman* was pitch'd upon, by name, for the poyſoning of the King: though the Dr. is now pleas'd to ſay that the Debate was in *England*. That the Priſoner, finding the Charge ſo remote, offer'd, that where there was no *Proof*, he hop'd there would not be expected any *Defence*. The Priſoner, upon this, taking a freedom to inſtance in divers actions of Loyalty, both from Himſelf, Family, and Relations, as ſome Teſtimony of his Duty to the Government. Sir *George Wakeman*'s Plea before the Council.

Mr. *Corker* offer'd in *Plea*, that not knowing his Accuſations, he could not come provided with Evidences to ſupport his Defence: that nothing is eaſier, then to accuſe an Innocent perſon, ſo, that he ſhall never clear himſelf: and that it is not a *Poſitive*, but a *Probable* Oath, that proves a man a *Criminal*; and that otherwiſe Dr. *Oates*, and his Companions, might hang up whom they pleas'd, let the *men* be never ſo Innocent, or the *matter* charg'd never ſo ridiculous: and that the *Circumſtances* ought to be *Credible*, as well as the *Witneſſes*; neither of which were (as he ſuggeſted) to be found in his Caſe. Proceeding in a Reflection upon the Extent of the *Charge*; it involving the whole Body of the *Roman Catholicks* in the Treaſon: Uſing many Flouriſhes of Diſcourſe to affect the *Bench*, and the *Jury*, as to the Credit of the very *Plot* it ſelf: Raiſing arguments from Improbabilities of Circumſtances, and Incredibility of Witneſſes, to uphold his pretence. But the *Court* with as much *Eaſe anſwer'd* his Defence, as they *heard* it with *Patience*. Mr. *Corker*'s Plea and Argument.

Sir *George Wakeman* recommended one Obſervation to the Court; That in Dr. *Oates*'s copious *Narrative*, there is not one Letter from abroad, but he depoſes poſitively both to the Date, and to the Receipt of it: and yet in the Caſe of a man's Life he will not be confin'd to a *Month*. Sir *George Wakeman*'s Obſervation upon the Doctour's *Narrative*.

Mr. *Corker* reflects upon Dr. *Oates*'s Miſtakes.

Mr. *Corker* ſuggeſted divers Miſtakes of Dr. *Oates*'s: as his charging the Priſoner with the denial of a Truth before a Juſtice; wherein the Priſoner clear'd the Errour: and then the buſineſs of his going to *Lamſpring*. But theſe were look'd upon as matters of no weight. The Priſoner then reflected upon the Doctour's depoſing him to be *Preſident* of the Congregation; whereas *Stapilton* is known to have been Preſident of it for ſeveral years paſt. And ſays, that if this Priſoner be not *Preſident*, Dr. *Oates*'s Accuſation of the *Benedictines* waiting for his Conſent, muſt fall to the ground.

Mr. *Corker* denies all.

The Priſoner being put to prove who was the *Preſident* of the Order, not being provided with Witneſſes at hand, ſpake himſelf; denying any Letter, either written, or received, as was ſuggeſted; any privity to ſuch a Conſult about the Mony; or any neceſſity for his being at it, if the thing had been true. And arguing, that in reaſon, if he had been in the Conſpiracy with *Pickering*, when *Pickering* was taken, he would certainly have fled.

He ſays that Dr. *Oates* did not know him.

And as to his Exception againſt *Pickering*, becauſe no *Lay-brother*; the Dr. knowing *Pickering* ſo well, and himſelf being preſent at the taking of him, it ſeemed ſtrange that he ſhould neither know, nor charge, nor apprehend him the Priſoner, untill near a Month after: eſpecially the Officers coming to this Priſoner's Chamber, when they ſeiz'd *Pickering*. But Dr. *Oates*, hearing afterward that the Priſoner had lodg'd there, enter'd him in his Liſt, and ſo took him. Whereas, if (as Dr. *Oates* ſays) the Priſoner was a Fellow-Criminal with *Pickering*, he being then in queſt of the Conſpiratours, it was his duty to have taken them both together. Beſide that the Priſoner's Name not being upon the Doctour's Catalogue, he thought might acquit him.

But the Priſoner being over-rul'd in it, that what he offer'd, was no Evidence, he recommended himſelf to the Jury, to lay it to their Conſciences, whether they did not aſſent to him in the Truth of this matter.

Mr. *Marſhal*'s Defence.

Mr. *Marſhall* being now ask'd what he had to ſay, ſpake to this effect: That upon notice, a month agoe, of coming ſpeedily to his Trial, he had bethought himſelf of his Defence; and with good hope to acquit himſelf. But reflecting upon the Iſſue of the late Trials, he had once reſolved to ſubmit all to the Sentence of the Court and the Jury, without a word ſpeaking. But that being now encourag'd by the Candour and Equity of the Proceeding, he made it his humble ſuit to the Honourable Bench, to take into their own Menage the Cauſe of the Priſoner. Paſſing from thence to a ſlight reflection upon Dr. *Oates* and Mr. *Bedlow*; and then referring to the Unconcernedneſs upon him at his Apprehenſion, there being no Warrant out againſt him, nor any Charge of Treaſon lying upon him: But that coming by chance to enquire for one where they were upon a Search, though he ſaw the Officer at the door, and Candles up and down the houſe, yet he went forward; as all the people can teſtify, and Sir *William Waller* alſo, that took him.

Sir *William Waller* ſpeaks to the manner of Taking him.

Sir *William Waller* being called, depoſed to this point, that going to ſearch there, he gave order to one at the door to let any body in, but no body out: and that the Priſoner came and knockt at the door, (as Sir *William* ſuppoſed,) not knowing of any Search in the houſe. But being let in, and finding how it was, he did what he could to get away again.

Mr. *Marſhall* defends himſelf.

But Mr. *Marſhall* begging pardon for the Contradiction, affirmed with a ſolemn aſſeveration, that he enter'd without knocking, (the door being open) and ſo went in of his own accord, as the Conſtable would bear him Witneſs. And for his endeavour to get away again, he affirm'd, that while they were ſearching within, he continu'd in an Out-room, the Conſtable and others with him wondering, when he came back, that the Priſoner was

not

not gone. The Prisoner affirming likewise, that he was left at the door alone: and beside, that he could have slipt out at another door, into an *Alley*, which he had the trick of opening while a man might speak three words. The Prisoner insisting upon this Confidence, as an argument of his Innocence: saying farther, that he was spoken to to take off his Perriwigg, and stand with his back to Sir *William* and Dr. *Oates*; which the Prisoner did not understand. But Sir *William* being so kind afterwards as to see him at the *Gate-house*, with two worthy Gentlemen, Sir *Philip Matthews* and Sir *John Cuttler*, upon the Prisoner's affirming that Dr. *Oates* was wholly a Stranger to him, the Prisoner was told, that Dr. *Oates* (as a token that he knew him) describ'd a certain Mark upon the Hind-part of his Head: the Prisoner offering himself to the Company, to see if there were any such thing or no. The Prisoner did now desire, that Dr. *Oates* might give an accompt of that Mark; and that the Jury would believe of him according as they found it true or false. Sir *William Waller* inform'd the Court, that he knew nothing of any Mark; but that Dr. *Oates*, when he came in, call'd the Prisoner by his name. Mr. *Marshall* excus'd the Trouble he had given the Court, his Defence depending upon the Proof of Doctour *Oates*'s being a Stranger to him; desiring the Jury to observe, that such a Description was given; Sir *William Waller* owning a desire to see him without his Perriwigg, to look if he had a Shaven Crown: which Mr. *Marshall* said, Sir *William* must needs know could not be; it being an express Caution, that no *Religious* wear any such Testimony of his Profession, in *England*.

Mr. *Marshall* inform'd the Court, that upon Dr. *Oates*'s first Evidence against him, he desired Sir *William*, that it might be put in writing: which Sir *William* refused; but promised to commit it to memory. Hereupon the Prisoner did now adjure Sir *William* as a worthy Gentleman, and as he should answer for it at the Last day, to be as good as his word. The Prisoner said farther, that Dr. *Oates* looking hard upon him, askt him what his Name was: which shew'd him to be a Stranger. And upon the Prisoner's owning his Name to be *Marshall*; Dr. *Oates* told him, that he was call'd *Marsh*. Urging it, that Dr. *Oates* seeing the Prisoners; saying that he did not know them; leaving them in bed, and at liberty to be gone; and he himself declaring that he was looking for Traitours; the Prisoner left the Jury to judge, whether he had any thing to charge upon them. Sir *William Waller* protested solemnly, that there was nothing of all this. Mr. *Marshall* exclaiming, that he was astonish'd; and affirming, that upon a Controversie with Dr. *Oates* about it, Mr. *Gill* the Constable averr'd it, and promised to attend in Court to make it good. The Prisoner averring, that he askt Dr. *Oates* why he did not seize him before, when he was searching for Traitours, if he knew the Prisoner to be a Traitour: whose answer was, before Sir *William*, that at That time he had no Commission to seize him. But Sir *William* remember'd nothing of This neither. Mr. *Marshall* then ask'd Sir *William*, if he remember'd what Dr. *Oates* said upon a question of his seeing the Prisoner last Summer; which was, that he saw him *June*, *July*, and *August*. Sir *William Waller* calling to mind something of That; Mr. *Marshall* averr'd, that he could prove himself in *Warwickshire* all those three Months; but that his Witnesses were not here; and that it was impossible to foresee what points would come in question. Whereupon he did submissively desire respite of the *Court*, for the producing of his Witnesses.

Mr. *Marshall* appeals to Sir *William Waller*.

The Prisoner recommends over again the consideration of the *False Mark*; the Dr's. finding him in bed, and yet not knowing him; his point-blank Evidence upon *August* 21; and the most certain means he had of Disproving

The Prisoner recommends himself to the *Court* and *Jury*.

proving it: still insisting upon a very short time to bring up his Witnesses.

Witnesses for the Prisoners.

Mr. *Corker* minded the Court of the Officers, and others, that had, upon the taking of *Pickering*, that they had nothing to say against the Prisoners; which a Servant of the house was then ready to attest.

Elenor Rigby informed, that upon the Search in the *Savoy*, *Marshall* and *Corker* were both in bed, at the same time when *Pickering* was taken: and that the Company ask'd the Names of the people in the house; and that this Witness named to them *Pickering*, *Marsh*, *Corker*, and others. They declaring (Dr. *Oates* among the rest) that their business was onely to *Pickering*.

Corker not *President*, as pretended.

Upon the Question, who was President of the *Benedictines*, the Witness answered, Mr. *Stapilton*; and that he had been so several Years: and that she was certain that *Corker* never officiated in that place. And being ask'd, if ever she had seen Dr. *Oates* or Mr. *Bedlow* there in the house; she (the Witness) answer'd, that Dr. *Oates* came to Mr. *Pickering* for a Charity that Summer was twelvemonth; and that Mr. *Pickering* forbad his coming into the house. Mr. *Marshall* collecting from that Evidence, that This being charg'd for the very Nick of time to advance the *Plot*, it was not probable that they would treat so necessary an Instrument in it at that rate. The Prisoner repeating his desire onely of 3 or 4 days time, to provide his Witnesses: reasoning upon the Thing, that if his Life might justly be sav'd, he did presume that the Court would not have him lose it. But it was urg'd, on the other side, that he had notice long enough to have brought them up; and that the *Jury* must be now kept together till they give up their *Verdict*.

Mr. *Stapilton* President of the *Benedictines*,

Mrs. *Elizabeth Shelden* informed, that Mr. *Stapilton* was at present (and had been for four or five years last past, to her knowledge) President of the *Benedictine Monks*. And *Alice Broadhead* informed likewise to the same effect. Upon which Evidence Mr. *Corker* raised this Inference, That Dr. *Oates*'s Accusation was of no validity, depending wholly upon the Prisoner's being *President*, and consenting to the Plot under that qualification.

The Prisoners plead Innocence.

Sir *George Wakeman*, with a solemn Imprecation, disclaimed all the Crime in this matter that was charg'd upon him. And so likewise did Mr. *Corker*: renouncing both the Doctrine of moving a Sedition for Religion; and all power of *Dispensation* for so doing. Mr. *Marshall* was more Copious and Rhetorical; and more upon *Perswasion* then *Defence*. So that the Lord Chief Justice (after some short Remarks upon the *Romish Principles*) summ'd up the Evidence, and gave directions to the *Jury*: who after an hour's Consideration returned the Prisoners *Not Guilty*.

And brought in *Not Guilty*.

THE CONTENTS.

The History of the Charge and Defence of Edward Coleman, Esq; Pag. 1.
The History of the Charge and Defence of William Ireland, Thomas Pickering, *and* John Grove. Pag. 12
The History of the Charge and Defence of Thomas Whitebread, Will. Harcourt, John Fenwick, John Gavan, *and* Anthony Turner. Pag. 21
The History of the Charge and Defence of Richard Langhorn, Esq; Pag. 47
The History of the Charge and Defence of Robert Green, Henry Berry, *and* Laurence Hill. Pag. 63
The History of the Charge and Defence of Sir George Wakeman, Baronett, William Marshall, William Rumley, James Corker, } Benedictine *Monks*. Pag. 74

THE END.